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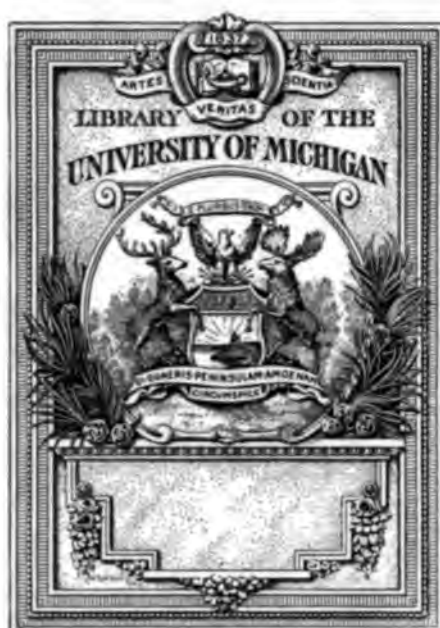
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# New York State Historical Association

1899

PROCEEDINGS OF THE FOURTH ANNUAL  
MEETING WITH CONSTITUTION AND  
BY-LAWS AND LIST OF MEMBERS . . .





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New York State Historical  
Association=====

FOURTH ANNUAL MEETING WITH  
CONSTITUTION AND BY-LAWS  
AND LIST OF MEMBERS.....



PUBLISHED BY THE  
NEW YORK STATE HISTORICAL ASSOCIATION  
1903



## NEW YORK STATE HISTORICAL ASSOCIATION

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176669





## ANNUAL MEETING.

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### **Proceedings at the Fourth Annual Meeting of the New York State Historical Association, Together with the Proceedings of the Board of Trustees**

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The fourth annual meeting of the New York State Historical Association was held at the Fort William Henry Hotel, Caldwell, N. Y., Tuesday, July 29th, 1902. In the absence of the President the Hon. Jas. A. Roberts, the Vice-President, Dr. Daniel C. Farr, called the meeting to order.

The exercises in the morning at the Historical Symposium upon Burgoyne's Campaign, were as follows:

"Gen. Horatio Gates," by the Rev. John H. Brandow,

"The Life of Benedict Arnold," by Hon. Grenville M. Ingalsbe.

"Some ifs in the Burgoyne Campaign," by Francis W. Halsey.

"Madame Reidesel," by Mrs. Donald McLean.

"Philip Schuyler," by Morris P. Ferris. Mr. Ferris not being present, his paper was directed to be printed in the proceedings for the ensuing year.

Upon the conclusion of the symposium, the public meeting was adjourned and a business meeting of the members immediately convened, at which the Treasurer's report was read and accepted, showing receipts amounting to \$362, and disbursements amounting to \$87, leaving a balance on hand in the general fund of \$275.65, and a life membership fund of \$158.42, whereupon the Society proceeded to the election of Trustees for the term expiring on the last day of July, 1905, and the following were duly elected:

Gen. Henry E. Tremain, Rev. William O. Stearns, Mr. Sherman Williams, Mr. Robert O. Bascom, Mr. Francis W. Halsey,

Mr. Harry W. Watrous, Dr. W. Seward Webb, Rev. Dr. Joseph E. King, after which the following named persons were duly nominated and elected members of the Association:

Col. S. C. Mills, U. S. A., Omaha, Neb.; Col. J. A. C. Lee, U. S. A., Hague, N. Y.; Mrs. E. Mann Vynee, Hague, N. Y.; Irwin F. Mather, Fort Edward; Hon. P. W. Cullinan, Albany, N. Y.; Barr Ferree, No. 7 Warren St., New York City; Dr. H. E. Clark, Glens Falls, N. Y.; Francis W. Halsey, No. 72 Fifth Avenue, New York City, after which the meeting adjourned.

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At half past two o'clock in the afternoon the Society met, pursuant to adjournment, when the historical address entitled "Where we got our Government" by Dr. George Cary Eggleston, was delivered.

A memorial of the late Chancellor Upson by Dr. Daniel C. Farr, was read and ordered printed, after which the meeting adjourned.

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At a meeting of the Trustees of the Association held at Caldwell on the same day, the following officers were duly and unanimously elected:

Hon. James A. Roberts, President; Dr. Daniel C. Farr, First Vice-President; Hon. Grenville M. Ingalsbe, Second Vice-President; John Boulton Simpson, Third Vice-President; James A. Holden, Treasurer; Robert O. Bascom, Secretary; Frederick P. Richards, Assistant Secretary.

The following standing committees were elected: Committee on Arrangements—James A. Holden, Elmer J. West, Elwyn Seelye. Programme Committee—Dr. Daniel C. Farr, Hon. Grenville M. Ingalsbe, Robert O. Bascom.

The matter of appointment of the State Commissioner of Records was brought to the attention of the Society, and the matter was referred to the following committee: Hon. Grenville M. Ingalsbe, Robert O. Bascom, Elwyn Seelye.

The following bills were ordered paid:

Dr. Daniel C. Farr, postage.....	\$5 00
Whitehead & Hoag, badges.....	10 50
Elwyn Seelye, signs.....	4 00
J. B. Lyon & Co., printing.....	277 25

The report of Elwyn Seelye, committee upon The Lake George Reservation, was presented, read and ordered filed. It is as follows:

"The condition of the State property at Lake George remains very much the same as it was at my last report. There have been seven fires started on the grounds since April 17, six of which were lighted by sparks from the railroad engines, while one was started on the road side near the house undoubtedly due to the carelessness of some passer, either by smoking or otherwise. The thanks of the Association are due to Mr. Cheney, the fire warden living on the place, for his prompt action in extinguishing the fires before any serious damage was done.

"Continuous watchfulness is required to prevent relic hunters from completely destroying Fort George. Signs have been painted and duly posted warning individuals from disturbing these historical grounds, yet this alone does not suffice to secure complete protection.

"In my previous report I mentioned certain repairs that seemed necessary for the preservation of the buildings now standing on the property. These repairs are more urgently needed as time goes on, not only to preserve the buildings but to provide a suitable habitation for some watchful person to live in, on the place and give it the necessary care."

The report of Mr. Seelye was referred to Mr. Ingalsbe, Mr. Bascom and Mr. Seelye.

A vote of thanks was extended to all of the several speakers of the day; and also to Morris Patterson Ferris, the retiring Secretary, for his services to the Association.

At a meeting of the Trustees of the Historical Association, held at the Hotel Ten Eyck in the City of Albany, on the 17th day of January, 1903.

Present, a quorum.

The minutes of the last meeting were read and approved.

Upon the nomination of Morris Patterson Ferris, Mr. Samuel P. Avery was elected a life member; and Theodore P. Gillman of Albany, a member.

Upon the nomination of Grenville M. Ingalsbe, Abram Wakeman, 130 Front St., New York City, was elected a member.

Upon the nomination of Dr. Daniel C. Farr, Charles H. Wheelock of Albany was elected a member.

The Secretary was authorized to make such disposition of the proceedings of the Association as might be expedient, and he was directed to prepare a list of the donations received by the Association, and cause the same to be published in the ensuing volume of the proceedings.

It was determined that the literary meeting of the Association be held on the last Tuesday in August, and that the annual meeting of the Association be adjourned from the regular date of meeting, as prescribed by the Constitution, to the last Tuesday in August.

It was moved and carried that Dr. Daniel C. Farr and the Secretary be added to the committee of arrangements.

ROBERT O. BASCOM,

*Secretary.*

## HORATIO GATES.

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REV. JOHN H. BRANDOW.

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**H**ORATIO GATES was born in Malden, England, in 1728. He was the son of the butler and of the much older housekeeper of the 2d Duke of Leeds. Horace Walpole, then a lad of about eleven years, who happened to be visiting the ducal residence at the time, good naturedly consented to serve as god-father to the future general.

Gates received a good education, and entered the army in early life. In 1754 he was commissioned Captain of an independent company in New York. Later in the year we find him at Halifax serving under Gen. Edward Cornwallis, Governor of Nova Scotia. He, with his company joined Gen. Braddock at Fort Cumberland the next season, and was with him at the disastrous fight on the Monongahela, where he was badly wounded. After his recovery he served with General Monckton in western New York, where in July, 1760, he received appointment as brigade major. He accompanied Monckton as an aid to the West Indies, where, in 1762 he gained credit for gallantry at the taking of Martinique. Sent to England with the news of the victory he was rewarded by being made major of the 45th regiment, foot. Afterwards, as a special mark of royal favor, he was commissioned major of the Royal American, or 60th regiment. His advancement, however, though unusually rapid, did not meet his fancied deserts, as he ultimately sold his commission, and withdrew from the army.

About this time he took to wife Mary Valence, daughter of James Valence of Liverpool, a man of some wealth. He spent considerable time trying through influential patrons to secure a lucrative position under the government. Failing in this he became disgusted, and, on the death of his wife's father they con-

verted his estate into some \$450,000 and in 1772 emigrated to America. Gates purchased an estate in the Shenandoah Valley in what is now Jefferson county, West Virginia. There he remained cultivating his broad acres till the rupture came between England and her colonies. He early sided with the colonists in their contention.

In the meanwhile he had renewed acquaintance with his old comrade in arms George Washington, whom he met in the Braddock campaign. In those days Gates professed the warmest friendship for Washington and was a guest at Mount Vernon when the news came of the affair at Concord and Lexington. After hostilities had begun he, through the mediation of Washington, received the appointment of Adjutant General with the rank of Brigadier. He proved himself very efficient in properly organizing the camp at Cambridge, Mass., in 1775. While at Boston, Gates was at great pains to ingratiate himself in the good will of the New England people, and was ever ready to declare with vehemence that in the still pending boundary disputes between them and the Province of New York, New York was wholly in the wrong.

In May, 1776, Gates was promoted a Major General, and on June 18th following was appointed to command the army then under Sullivan and operating in Canada. Arrived at Albany he learned that the army had retreated from Canada and was assembling at Crown Point. General Schuyler claimed the command of this army since it was now posted within his department. The dispute was referred to Congress for adjudication, Gates and Schuyler agreeing, in the meanwhile, to act in concert. Congress decided that Schuyler was in full command in his department, Gates to be in subordination to him.

While stationed at Ticonderoga Col. John Trumbull strongly advised Gates to fortify Mount Defiance, but he rejected the counsel. The failure to do this afterwards cost us that important post. He was, however, assiduous in otherwise fortifying that post against the approach of Sir Guy Carleton, who after reconnoitering the position withdrew to Canada.



Ticonderoga relieved from threatened siege, Schuyler ordered Gates with seven regiments to reinforce Washington who was then retreating through the Jerseys. Three of these regiments he suffered to be diverted by Gen. Charles Lee to Morristown. Gates arrived at headquarters with the remnants of the four regiments December 20, 1776.

In his proposed attack on Trenton, a few days later, Washington requested Gates to command his right wing, but Gates pleaded ill health and begged leave to proceed to Philadelphia. Washington then desired him to stop a while at Bristol and adjust some matters at issue there between certain officers, but this he disregarded and hastened on to Baltimore where Congress was then sitting, instead of stopping at Philadelphia. According to Wilkinson, his adjutant, he had plans of a campaign different from Washington's which he was anxious to urge upon that body.

In the beginning of 1777 Gates was offered the position of Adjutant General for which he had shown fitness at the beginning of the war. But he managed to fight shy of this opening for several months, because, just at that juncture, there seemed to be something higher in sight. The situation was this: General Philip Schuyler had been badgered by his enemies into offering his resignation in the winter of 1776-77; but demanded of Congress, as a necessary preliminary to its acceptance, an inquiry into the conduct of his department. Gates knew all about this and apparently awaited the efforts of his friends in Congress. Schuyler started for Philadelphia on the 25th of March. The same day Gates was appointed to relieve him. On his arrival in Albany Mrs. Schuyler invited Gates to take up his quarters in the General's mansion, but he declined the proffer with thanks and remained in the city, and did not go at all to Ticonderoga whither he had been sent, nor did he do anything to further preparation for the coming campaign which had taxed all of Schuyler's energies up to the moment of his departure.

As a result of the investigation Congress fully exonerated Schuyler from all charges, and restored him to the northern department with added powers. At the same time it defined the



positions of Gates and Schuyler. Gates was to remain subordinate to Schuyler, and serve as commandant at Ticonderoga. Gates insisted that by this action he had been degraded, refused to serve under Schuyler, asked permission to leave the department, and started for Philadelphia to lay his grievances before Congress, and demand redress. Arrived there he was permitted the floor of Congress on the plea that he had intelligence of importance to communicate. The intelligence proved to be trivial. Quickly he switched off on to the theme nearer his heart and soon became so disrespectful in his language to that body that he was called to order, and it was then decided that he be henceforth debarred the privileges of the floor, but he remained in Philadelphia.

The 30th of June, 1777, Washington writes to Gates, who was still at Philadelphia, urging him to keep a lookout for Howe's fleet, recently put to sea from New York; but Gates was so absorbed in looking out for himself that he gave little heed to the important task assigned him. The news of the disaster at Ticonderoga, which soon occurred, revived old prejudices against Schuyler. Gates keeping himself in close touch with Congress of course knew the sentiments which there prevailed regarding that General. He saw in the situation a prospect for securing what he so long had coveted, a separate command. His hopes were quickly realized, for Schuyler was removed and Gates was appointed by Congress, not by Washington, who declined to interfere, to take his place.

He arrived in camp at the mouths of the Mohawk August 19, just after the tide had turned in favor of American arms; after Oriskany, and Bennington, and when reinforcements were pouring in from all quarters. Schuyler received Gates with every mark of courtesy, imparted all needful information, turned over every useful paper, and offered to render him any assistance in his power. Gates totally ignored Schuyler and his kindly offers. This conduct provoked a caustic remark from Gouverneur Morris who said: "The commander-in-chief of the northern department may, if he please, neglect to ask, or disdain to receive advice, but those who know him, will, I am sure, be convinced that he needs it."

Gates found himself strong enough to move northward against Burgoyne on the 8th of September. Kosciusko, the military engineer, had selected a position at Bemis Heights as being the most defensible. There Gates began intrenching himself on the 13th. The site of the camp was admirably chosen. The only vulnerable point was the left flank.

When apprised on the morning of the 19th that Burgoyne was threatening his left Gates was for receiving the attack from behind his works, but Arnold argued strenuously for aggression, especially since the defences on the American left were in an unfinished state. Gates yielded reluctantly and sent a small force to make the attack. After the battle was on Arnold became impatient with Gates for withholding reinforcements which could and should have been granted, as the American right was unassailable if defended by no more than 3,000 determined men, let alone 11,000 who remained idle in camp. Arnold was sure that with a few more regiments he could have crushed Burgoyne in the first battle. This is altogether probable.

Gates was greatly annoyed on hearing that nearly all the credit of the battle was given to Arnold. This fact, together with the knowledge that he was an avowed friend of Schuyler's accounts for his failure to mention Arnold's name in his dispatches to the government. This slight served to widen the breach between them. Benedict Arnold not being specially gifted with the grace of forbearance remonstrated with Gates in heated terms. Gates answered him in kind, and furthermore suspended him from all command. Precipitating a quarrel with his most efficient subordinate in the presence of the enemy, and when another great battle was imminent, was most short-sighted to say the least.

Gates has been charged with a lack of personal courage in connection with the battles of Saratoga. Certainly his conduct does not compare favorably with Burgoyne, in this respect, who exposed his person openly in both actions, while Gates kept in the rear of his camp, a mile and one-half away keeping his teamsters on the *qui vive* for retreat, and apparently preferring a wordy conflict with a wounded enemy (Sir Francis Clark) over the

merits of the cause at issue, to the dangers of the real battle beyond the sally port of his camp.

Through some hitch in the commissary department, Gates did not see his way clear to pursue the British till the afternoon of the third day after the second battle. Had Burgoyne been a Philips or a Riedesel he would have surely slipped through Gates' fingers, and there would have been no surrender to record.

In the capitulation at Saratoga (Schuylerville) Burgoyne dictated his own terms. Gates' trepidation over Clinton's advance up the Hudson has been regarded the prime reason for such exceptional generosity; but may not a lingering regard for the honor of his old comrades of the red-coat have served as an important factor in his tenderness for the humiliated Britons? Gates, however, exhibited a proper delicacy and magnanimity of spirit in his treatment of the vanquished on the day of the surrender, in which he honored both himself and his army.

Gen. Gates reported the surrender to Gov. Clinton, to Gen. Putnam, and to Congress, but not at all to the Commander-in-Chief till the 2d of November when he mentioned the fact incidentally in a letter addressed to him on other business. In his dispatches to Congress he again fails to properly mention the heroes of the campaign, Arnold and Morgan, and makes no mention of them at all in his tardy official account. His dispatch to Congress closes with these words: "With an army in health, vigor, and spirits, Major General Gates now awaits the commands of the hon'bl Congress." Men of that spirit were just what Washington was longing for at the moment to assist him in his campaign against Howe. Indeed he had before this requested Gates to speedily return the troops he had sent north to his assistance. It was two weeks after the surrender before Gates detached Morgan's corps, and it was not till Washington had sent Hamilton to represent his needs in person, and insist on deference to his wishes that Gates saw fit to part with any more of his idle men. Washington said later that could he have had these troops ten days earlier the Delaware forts would have been saved, and Philadelphia made unsafe for Howe. Hence, too, as a corollary, the sufferings of Valley Forge would, in all probability, have been obviated.

On November 5th, 1777, Gates was appointed by Congress to regain possession of the Hudson Highlands and construct defensive works there. In this he was to be aided by Gov. Clinton.

During this while, the enemies of Washington were forming that faction which came to be known in history as the Conway Cabal. Their evident purpose was to oust Washington and substitute Gates as chief. The connection of Gen. Gates with this cabal has been much in dispute, but it seems clear that he at least "bent a pliant ear" to its suggestions and willingly but guardedly played into his hands. At all events he was made president of the new Board of War in which Generals Mifflin and Conway, known to be bitterly hostile to Washington, were ruling spirits. Gates at once abandoned the important work on the Hudson and repaired to the precincts of Congress. This appointment, obviously, virtually placed him over Washington.

About this time an extract of a letter from Gen. Conway to Gates was brought to the notice of Washington which aroused his suspicions that Gates was in sympathy with his detractors. This disclosure of his correspondence, coming to the ears of Gates, threw him into spasms of apprehension. His state of agitation was such that he wrote an hysterical letter to Washington concerning it. The correspondence which followed served only to assure Washington that Gates was at least in the confidence of the plotters. In one of his letters Gates solemnly affirmed that Conway's letter to him contained nothing derogatory to Washington; but he failed to produce the letter in evidence which, if its character was as innocent as he claimed, would have easily cleared his skirts without further words. This correspondence involved Gates in two duels with Col. James Wilkinson, his late adjutant general, from which he escaped with neither wounds nor added lustre.

During the winter of 1777-78 the new Board of War planned a notable winter campaign against Canada. The scheme was laid before Congress and promptly approved by that body. Lafayette, a mere boy of 20, was to be the commander with Gen. Conway as second. This was evidently designed to separate Lafayette from Washington to whom he seemed greatly attached. Washington,

though he had not been consulted as to the proposed expedition, advised Lafayette to accept the appointment which he did. The Board was profuse in its blandishments, its promises of succor to Lafayette, and in its assurances of success. Gates told him that he would find at Albany a well equipped army of 3,000 veterans, and that Gen. Stark with his Green Mountain Boys would heartily second his leadership. On his arrival at Albany Lafayette found to his deep chagrin barely half the troops promised, and these nearly naked and, of course, wholly unprepared for a winter campaign; nor indeed had there been any serious attempt at preparation made.

So complete was the fiasco and so loud was the condemnation of the public, when the details of the plan came to its notice, that it served to awaken Congress from its infatuation. The orders for the expedition were recalled, Gates and Mifflin were dismissed from the Board of War, and the former was ordered to resume his place in the northern department and look after the defenses of the Highlands which he had neglected; and particularly was cautioned, at the same time, to report statedly to the Commander-in-Chief.

General Gates having served for a time on the Hudson and in Rhode Island withdrew from the army and retired to his plantation in Virginia. Here he was found when his appointment to the command of the southern department was placed in his hand in June, 1780. He accepted the call with avidity. His mission was to check the advance of Cornwallis through the Carolinas, and to drive him out.

On his way to the army he met Gen. Charles Lee in Fredericksburg, Va., who, as he was departing, cried after him: "Take care Gates or your northern laurels will change to southern willows!" Lee's warning was doubtless prompted by his knowledge of the man.

Gates arrived at Hillsboro, North Carolina, July 19th, and took command. He found the army there in a deplorable condition, and the prospect for success was anything but roseate; but Gates addressed himself to his task with zeal, and went forward confident of winning new honors. The first objective of the cam-

paign was Camden, a strategic point in South Carolina. The disastrous battle which he finally fought near that place realized the ominous warning of Lee.

Fair minded critics have attributed Gates' failure in the south first, to his unwillingness to accept counsel from subordinates.

Second; to his choice of the direct route through the barrens to Camden instead of the more fertile and friendly roundabout way.

Third; to his failure to attack Lord Rawdon at Lynch's creek; an early attack being his excuse for having taken the shorter route.

Fourth; detaching four hundred of his veteran troops instead of the militia to the aid of Sumpter just before the battle.

Fifth; delay in his advance upon Camden from Rugelys, which gave Cornwallis time to form a junction with Rawdon.

Sixth; to his ordering raw militia to make the attack instead of seasoned troops. Washington, Green, and other contemporary military men, ascribed the loss of the battle after it was joined wholly to the cowardly behavior of the militia, and not to the position, or the arrangement of the troops, which were good.

In his efforts to rally the militia, who were being chased by Tarleton's Light Horse, Gates was borne from the field. His flight toward Clermont should not be attributed to cowardice. It seemed unavoidable under the circumstances. A similar experience once befell Frederick the Great at Mollwitz. And his haste towards Hillsboro was no doubt the wisest course for him to pursue at the time.

This campaign virtually ended Gates' military career. He was succeeded by Green who quickly outgeneraled Cornwallis. Gates asked for a court of inquiry which was granted, and which, in the end, honorably acquitted him. The loss of his only son also occurred about this time. Washington wrote him a very sympathetic and consolatory letter which touched him deeply, and cheered him not a little amid his gathering sorrows. This, by the way, was one of the most magnanimous acts accredited to that great man, and one that has not received proper notice.

Gates retired once more to his farm in Virginia where he lived in quietness till 1790 when he sold his estate and removed to

New York. On his arrival in the city he was received with great distinction by the authorities. The mayor and council, among other marks of favor, voted him the freedom of the city. He studiously refrained from public life and service till 1800 when he consented to run for and was elected to a seat in the New York Legislature on the anti-federalist ticket. He died in April, 1806, at his home on Rose Hill, now corner of Second Avenue and 22d St. In accord with his own request his funeral was private. He lies buried in Trinity church yard, New York.

General Gates possessed a number of admirable traits. In person he was handsome, dignified in his bearing, and most urbane and agreeable in his manners. He was ever a lion in society and was notorious for hospitality. He was ever kind and thoughtful as a husband and father, and humane as a master. Indeed he exhibited advanced notions respecting human rights by emancipating all his slaves when he left Virginia, and provided amply for those who were infirm. There was never any doubt, I believe, about his patriotism.

We can, however, find no sufficient reason for placing him, more than a degree or two, above the average man. He was blessed with unusual opportunities for education and for splendid service, but through lack of the proper mental and moral fibre he could not turn them to the highest account.

He was ambitious for place and hungry for applause, and when it came to him, it quite turned his head. In the pursuit of his ambitions he was prone to be insubordinate, he was often untruthful, irascible, boastful, and impatient of those about or above him whom the public delighted to honor. These are not the marks of a great man.

As a General, Gates lacked the genius for creating and organizing an army, for conceiving far-reaching plans and executing them. He was no master of strategy or the great game of war. He was timid when he should have been bold, and bold when he should have been cautious. And if he cannot be successfully impeached for cowardice on the field, still he was a far remove from the dashing yet cool-headed Arnold, whose success seemed to awaken his ire. Hence, he could not inspire his soldiery with en-

thusiasm after they came to know him. Gates was a far better lobbyist than a General.

His name, however, is inseparably linked with the victory at Saratoga, one of the few decisive battles in all history. But all the foundation work for that achievement, the organization, the assembling of munitions, the practical strategy, by which valuable time was gained, the preliminary conflicts which seriously crippled the enemy before the final struggle, all had been effectually done by others before he appeared on the scene. From that moment the role of the commander was largely perfunctory. Then, too, that great battle was in a locality where there was the smallest chance for brilliant manoeuvres, or strategy. It had to be a head on collision or nothing, where, other things being equal, the heaviest battallions must win.

Lafayette, Steuben, Kosciusko, and a few other elect foreigners, animated by lofty motives gladly served wherever they chanced to be placed, and they rendered us invaluable service; but at no time nor place did Gates prove himself indispensable to the cause. At no time did he do anything but what plenty of others in our army could have done just as well or better. In short we have found very little in his career to awaken a noble enthusiasm, or to inspire the young with the spirit of emulation. We had hoped it might be otherwise, but as a result of our investigation, we have found it impossible to class him among the eminent. He was able but not great.

In the preparation of the above monograph we found the following authorities specially informing:

Lossing's Field Book of The Revolution.

The Historical Magazine, Vol. X.

The Magazine of American History, Oct. 1880.

Irving's Life of Washington.

Public Papers of George Clinton.

Bancroft's History of the United States.

Fiske's War of the Revolution.

Brandow's The Story of Old Saratoga.

We are also specially obligated to the Historian, Mr. William L. Stone, and to Mr. Edwin A. Ely of New York City for timely suggestion and valuable clippings.



# BENEDICT ARNOLD.

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## I.—THE HEROIC YEARS.

BY GRENVILLE MELLEN INGALSBE, A.M., LL. B.

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THE paternal ancestry of Benedict Arnold, resident in England and Wales from the initial year of the twelfth century, and in the colonies since 1636, was honorable. His colonial ancestry was distinguished for business thrift and devotion to the public weal. His great grandfather was the worthy successor of Roger Williams, as President of the Colony of Rhode Island, under its first charter, and at three different times, for successive terms, he was called to the governorship, under its second charter. His grandfather and his father held various positions of public trust, and were among the Captains of Industry of that early day.

The beauty, patriotism and virtues of the women of the Revolutionary and pre-Revolutionary Epochs, as embalmed in story and in poem, may be applied, without qualification, to the mother of Benedict Arnold. Of noble lineage, traceable through English mists to the first Saxon King of all England, and embracing names illustrious in each succeeding century, all who knew her, testify to her piety, common sense, refinement and rigid Puritanism, softened withal, and made sweet and gracious by exquisite womanly graces and an affectionate and loving heart.

Many children were born of the marriage of the father of Benedict Arnold to the beautiful widow, Hannah Waterman King. Two only, Benedict and Hannah, survived beyond childhood. This sister was of fine presence, excellent business ability and devotedly attached to her brother. When he entered the service of his country, she took charge of his multifarious affairs and managed them with signal success. A few months later, his

wife died, and sacrificing the highest maidenly ambitions, she assumed the relation of mother to his three boys, and thence forward her life was one of service, suffering and sorrow, borne with patience and humility.

Benedict Arnold was a live boy, fearless, generous, loving approbation and abhorring injustice. He received a fair academic education, and had no superior as an athlete. At the age of twenty years he established himself in business, thoroughly equipped as a bookseller and apothecary, at New Haven. His venture was a success; his native energy impelled him to wider fields of activity, and he embarked in general trade. He early resented the arrogance of the Crown, and in 1770, after the massacre of citizens in Boston by the British soldiery, he was elected captain of an independent military company. He was personally so popular that it soon included the bravest spirits of the vicinity. At this time Arnold had a beautiful home, a happy family and a prosperous business. He was wealthy and his ships dotted the inland and coastwise waters from the Heights of Abraham on the St. Lawrence to the Carribean.

At noon of the day following the battle of Lexington, the news reached New Haven. Arnold at once summoned his company, and sixty well drilled soldiers volunteered for service. They were ready to march the next morning. The selectmen having refused him ammunition, he demanded that it should be furnished, or he would break open the magazine, declaring that none but Almighty God should prevent him from marching. The ammunition was obtained. The men, in obedience to their leader's request, then signed their names to a covenant, noble and humane in its sentiments, rigorous as to morals and conduct, and commenced a forced march, to Cambridge. At their head sturdily strode Benedict Arnold, a well formed muscular man of middle height, with light eyes, dark hair and florid complexion, a man of great endurance, a stranger to fear, brave to temerity, who was to prove himself during the next three years, the fighting General of the War.

At Cambridge the leaders of the patriot cause, recognized in Arnold a man of great intelligence and prowess. Realizing the

value of the military stores on Champlain he had early communicated with some gentlemen of his own State in regard to them. On April 30th, he placed before the Committee of Public Safety at Cambridge, full details of the condition and strategic importance of Ticonderoga. The Committee commissioned him as Colonel; furnished him with money on May 3d; authorized him to raise four hundred men in Western Massachusetts and proceed to Lake Champlain. He reached Stockbridge May 6th. There he learned that his communication in Connecticut had resulted in an expedition of sixteen men from that colony, who had been furnished with arms at Pittsfield, where their number was increased to fifty; that they had been joined at Bennington by Ethan Allen and a party of Green Mountain Boys, and had proceeded to Castleton. Leaving his officers to raise recruits, Arnold pressed forward and overtook Allen on the 9th. He showed his commission and claimed the command, but was very naturally refused. Arnold was entitled to the leadership, but he yielded, and entered the ranks as a volunteer. This act so appealed to the Green Mountain Boys, that he was recognized as a kindred spirit, and upon further conference he was constituted commander, jointly with Allen. At early dawn on May 10th, Ethan Allen and Benedict Arnold marched, side by side, through the open sally port of Fort Ticonderoga. Two days later Crown Point was captured. Allen's men, however, were without discipline and indulged in scenes of wild riot and excess. Private property was pillaged and the almost priceless stores were imperiled. Arnold protested and was deposed.

On May 14th, fifty of Arnold's own men arrived on a schooner they had captured at Whitehall. Arming them he sailed down the Lake, captured the garrison of St. Johns, a sloop of sixteen guns, nine bateaux and a large quantity of provisions and munitions of war, and returned to Ticonderoga. His representations and predictions had been more than realized. The control of Lakes George and Champlain was secured. The keys of Canada were in the hands of the Continental authorities.

Arnold's men having been increased, he took active measures to defend the conquests which had been made. He equipped a

fleet of sloops and bateaux; sent spies northward acquiring valuable information, and formulated and communicated to Congress, a plan to obtain possession of Canada.

At this juncture he was superseded, resigned and returned to Cambridge. Here he met Washington, who with his almost unerring knowledge of human nature, saw in Arnold a leader of men. The invasion of Canada by Schuyler, through the northern lakes had been planned. Arnold proposed a counter movement through Maine against Quebec, which Washington heartily approved. As finally constituted the detachment was composed of the flower of the army. The riflemen were hunters and Indian fighters; men of great sagacity and resolution, and of infinite resource, trained to desperate ventures. The musketmen were men of character and substance, zealous and independent. Aaron Burr was of their number. Washington realized that no ordinary commander was needed for the enterprise, and selected Arnold to organize and lead the expedition. That he was not mistaken, the story of the march to Quebec, as embalmed in official reports, private letters and diaries, and the recitals of its survivors to children and children's children, amply testify. Arnold always led. He shared every danger and infused into his men his own enthusiasm and determination. From the hour of the embarkation on the turbulent Atlantic at Newburyport; up the cataracts and over the carries of the Kennebec; on the black flood-swollen waters of the Dead; in the ravines and morasses of the "Height of Land;" through the rapids of the angry Chaudiere; amid snow and sleet on the Heights of Abraham, down to the moment when he was disabled, while leading a forlorn hope against the strongest fortified city of America, and through the days of suffering which followed during which, from his hospital bed, he maintained the blockade, he was a man of steel, displaying dauntless courage, terrible tenacity of purpose and the highest attributes of leadership.

The pages of our National annals containing the record of this expedition to Quebec, seem to be among the neglected chapters of our history, but they are among its brightest in conception, heroism and high endeavor. They scintillate with deeds of daring

and tales of deprivation in the cause of government by the governed. The story of this march of six hundred miles in eight weeks, commenced with only ten hundred and eighty men, is almost without parallel in the history of human achievement, and Arnold was always at the point of greatest danger. The fate of the enterprise was virtually decided, when, from the Dead River, Enos and his division turned back, and at that time Arnold, in quest of supplies was far in advance with a few men, battling with the wintry terrors of the Great Carry.

The expedition failed, but through no fault of its Commander. This is the verdict of both contemporary and impartial history. Washington wrote "It is not in the power of man to command success, but you have done more, you have deserved it." The consequences of this failure were more far reaching than Washington or Arnold dreamed. They only saw Canada lost to the Sisterhood of Colonies. We can see that if those northern settlements had become an integral part of the American Union, the power of the free States would thereby have been so early strengthened that slavery would not have been extended, and there would have been no Civil War. Thus the trend of all our later history would have been changed, and perchance, we would still be living in the Golden Age of the Republic. The Civil War resulted in the destruction of slavery, within our borders, for a time, but it inaugurated an era of greed, high living, centralization and commercialism which has resulted in a disregard of the principles of the Declaration, a decadence of the national conscience, the virtual overthrow of government by a free and unpurchased electorate, and the militant militarism and imperialism of to-day.

Arnold was the first of his command to enter Canada, and he was the last to leave it before the advance of Carleton's army. This was at St. John. He had attended to the embarkation of his men, and the last boat had left the shore. Then he mounted his horse and rode back till he met the advancing enemy. He noted their character and numbers, galloped to the shore, stripped his horse of its accouterments, shot it to prevent it from falling into the hands of the enemy, and with his own hands pushed his canoe from the shore.

In July he assumed charge of naval operations on Lake Champlain and traversed the lake from end to end, urging forward the work of building and equipment, and infusing his spirit into the raw marines. On October 11th, near Valcour Island was fought the first battle between an American and a British fleet. The British had double the number of fighting vessels, twice the American weight of lead and seven hundred selected seamen and gunners, ably officered. So deficient were Arnold's vessels in gunners, that he pointed nearly every cannon fired from his vessel. For five hours the cannonade was terrific. With the dead and the dying all about him, Arnold refused to retreat or surrender, and the British withdrew. Never was his wonderful power of leadership, and his ability to inspire his men with his own courageous spirit, more conspicuously shown. During the night he succeeded in bringing his vessels, undiscovered, through the enemy's lines, his own ship being the last to set sail.

The following day they were overtaken by the British, and Arnold being in the rear, upon the crippled Congress, with a few gondolas, determined to give them battle, that the remainder of the fleet might escape. Soon he was surrounded by seven sail pouring upon the Congress broadside after broadside, but his flag could still be seen flying. For four hours the unequal contest continued. His ship was a complete wreck. He could fight no more, but he would not surrender. Finally he managed to break through the cordon of fire, and ran his ship and the gondolas into a creek, ordered the marines on shore with their small arms, set fire to the ship and gondolas, protected them from the approach of small boats by the muskets of the marines; remained on the open deck until the flames had extended too far to be extinguished; ordered the crew to jump overboard, and then, his flag still flying, he leaped from the bow-sprit to the shore, and marched with his men to Crown Point. In the meantime the escape of the remainder of the American fleet was assured. In our naval history, crowded as it is with illustrious deeds, there is recorded no braver fight. Arnold's intrepidity won the acclamation of the whole country and extorted admiration from the enemy.

On the 19th of the following February, Congress appointed five Major Generals from Arnold's juniors in rank. Washington openly expressed his surprise and chagrin, and wrote Richard Henry Lee, "Being the oldest Brigadier, it is not to be presumed that he will continue in the service under such a slight." Arnold conducted himself with dignity and self-control, but resolved to go to Philadelphia and ask for an investigation. On his way he stopped at New Haven to see his children and his sister, and there learned of Tyron's invasion. Without hesitation he took the field. The militia, eager to fight under such a distinguished leader, rallied to his standards. At Ridgefield, with five hundred men, he made a determined stand against two thousand regulars. During the fight his horse fell under him, pierced by nine bullets. The British continued their retreat, and the tireless Arnold again and again attacked their flanks and rear. He was invariably at the front; another horse was shot under him, and a bullet passed through the collar of his coat. Near Compo the invaders were only saved from annihilation by a detachment of marines from their ships.

Congress adopted a resolution testifying to Arnold's gallant conduct, and appointed him the sixth Major General in rank. Washington wrote to the President of Congress, "General Arnold's promotion gives me much pleasure. He has certainly discovered in every instance where he had an opportunity, great bravery, activity and enterprise. But what will be done about his rank? He will not act most probably under those he commanded but a few weeks ago." In this, Washington undoubtedly reflected the spirit dominant in the army. A few months later a mere report was circulated that a Frenchman was to be appointed a Major General outranking Green, Sullivan and Knox. Without waiting to verify the rumor each of these gentlemen wrote a letter to Congress that he should be under the necessity of resigning and at the same time requested a permit to retire. The patriotism of Benedict Arnold was of a sterner kind. He asked for a searching investigation. Months passed and the committee to which his accounts were referred did not report. Congress ignored his request as to the restoration of his rank. Finally in

July, the burden of injustice became so heavy that he tendered his resignation, at the same time re-affirming his love for his country and his readiness to die in her service, adding, "Honor is a sacrifice no man ought to make; as I received, so I wish to transmit it to posterity.

On the day Arnold's resignation was presented to Congress, a communication was received from General Washington to the effect that Burgoyne was advancing up Lake Champlain, bound for the Valley of the Upper Hudson and Albany. He urged that Arnold be sent, at once, to the northern department, specially commending him for this post of danger. A few days later he again addressed Congress on the same subject, reiterating his wishes and requesting immediate action.

Arnold instantly accepted this call to duty and suggested that action, upon his resignation, be suspended until the service to which he was called was over. Quoting Sparks, "He volunteered an act of magnanimity which certainly must extort praise." St. Clair who had been his junior, and had been promoted over him, was in command in the northern army. Arnold, however, contrary to Washington's expectations, waived all precedence saying, "I will do my duty faithfully in the rank I now hold, and trust to the justice of my claims for a future reparation." Washington wrote to Schuyler, "General Arnold generously upon this occasion lays aside his claims, and will create no dispute should the good of the service require him to act in concert with St. Clair. I need not enlarge upon the well known activity, conduct and bravery of General Arnold. The proofs he has given of all these have gained him the confidence of the public and of the army."

Traveling with the celerity of a Napoleon, Arnold reached Fort Edward in July. The American forces were in two divisions and he was placed in command of one. Congress, however, was not content. At this juncture, Richard Henry Lee wrote, "One plan now in frequent use is to assassinate the characters of the friends of America, in any place and by every means. An audacious attempt of this kind is now being made in Congress against General Arnold." When Stillwater was reached, on the



retreat, the news came that the question of Arnold's rank had been decided in Congress, adversely. The hour was critical. The British had adopted a masterly plan of campaign; Burgoyne was advancing along the Historic War Path; St. Leger was sweeping down the Mohawk; Howe was preparing to advance from New York and meet them at Albany, thus isolating New England, controlling the commerce of the great valleys of New York, and paralyzing the operations of the colonists everywhere. Congress was busily engaged "in assassinating the characters of the patriots," but Arnold wrote at this time: "No public or private injury or insult, shall prevail on me to forsake the cause of my injured and oppressed country, until I see peace and liberty restored to her, or nobly die in the attempt.

Imbued with this lofty spirit of patriotism and self-sacrifice, Arnold entered upon the campaign which culminated on those beautiful uplands by the Hudson, which the silver tongued Curtis has compared in their power of inspiration to the fields of Marathon and Hastings.

At Stillwater, it was learned that St. Leger, Johnson and Joseph Brant with hordes of savage Indians and remorseless Britons had reached Fort Schuyler without the loss of a man; had invested the Fort, and that the bloody, but inconclusive battle of Oriskany, had been fought. Terror reigned through the region of the Mohawk. Schuyler called for a brigadier to lead a relief party. Arnold, though a Major General and the second in command, volunteered. With the utmost rapidity, at the head of a few hundred men, he marched to Fort Dayton. There he issued a threatening proclamation, sent forward a friendly Indian and a partially demented Dutchman, with exaggerated stories as to the strength of his forces, and then, with his little band, pushed boldly forward. Soon a messenger from the front informed him that St. Leger, and his allied forces, had raised the siege of Fort Schuyler, and retreated in panic, throwing away arms, knapsacks and stores.

The settlements of the Mohawk were saved from the tomahawk and the torch by the magic of a name,—the name of Benedict Arnold. A hundred years later, standing by the foundation

of that monument, whose vacant niche reminds the thoughtful pilgrim of one of the bravest spirits of the earlier years of the Revolution, the peerless orator of our Golden Era pronounced this verdict, "Benedict Arnold, who volunteering to relieve Fort Stanwix had, by the mere terror of his coming, blown St. Leger away."

On this campaign, Arnold was absent from the Hudson but twenty days. Gates having succeeded in his plot against the chivalric and sagacious Schuyler, who had now been displaced by Congress, began to dream of superseding Washington. Arnold, Schuyler and Washington were tried and devoted friends. Arnold would not aid in an intrigue against the Commander-in-Chief. As a hindrance to Gates' ambition, Arnold must be discredited and driven from the army. In this spirit was he received on his return from the Mohawk, full of zeal and eager for the decisive battle which his military instinct taught him was impending.

The American army was now in the vicinity of Bemus Heights. Arnold was in charge of the left wing. Burgoyne's right arm had been shattered at Fort Schuyler, his left at Bennington. His main army was suffering for provisions. The hour was opportune for a stand against the invader. Arnold and Kosciusko, after a careful reconnaissance, selected for fortification, the range of hills known as Bemus Heights. While Kosciusko was employed in this work, Arnold was actively engaged with fifteen hundred men in skirmishing, and attacking the details, engaged in road and bridge building, and a German officer reported, "We had to do the enemy the honor of sending out whole regiments to protect our workmen."

At ten o'clock on September 19th, the British marched forward to attack the American forces in front, and outflank them on their left, reaching their rear. Gates allowed his troops to lay upon their arms, giving no orders and evincing no disposition to fight. Arnold begged for an order to lead his troops, and finally was given permission to send out two small detachments and support them. After Morgan and Dearborn were partially repulsed, Arnold led his men, in person, and fell upon the enemy

with furious impetuosity. The attack being transferred to his right he brought his whole division upon the field. Anticipating that the result would be indecisive, he galloped to camp and besought re-inforcements of Gates. He refused them. He would not allow the camp and himself to be exposed, and as Arnold, with the speed of the wind, was returning to the thick of the fight, Gates dispatched an aid, ordering him to return to camp.

The battle did prove indecisive, but had it not been for Benedict Arnold, Burgoyne would have marched to Albany, before the haze of that Indian summer had lifted from the valley of the Hudson. Had Arnold, however, been properly supported, the British army, as a result of its attack upon his right, would have been cut in twain, both divisions annihilated, and the terms of its surrender would not have been entitled a "Convention" dictated by Burgoyne.

In Gates' report of this engagement, which British authorities declare one of the most obstinate of the war, the name of Arnold does not appear, and within a few days he was deposed from command. His brother officers besought him to remain with the army until after the impending battle. Finally he consented, though without authority to order, or even to fight.

The situation of Burgoyne became critical. He must fight or fly. He held to his early affirmation, "This army must never retreat." The gallant Fraser was of his mind. On the afternoon of October 7th, inspired by the valor born of desperation, as well as that received from valiant sires, the enemy advanced to the attack. Morgan led upon the British right, and Fraser was driven back. Cilley and the troops of Poor and Learned routed the grenadiers and artillery of the British left. Dearborn's terrific onslaught on the enemy's center, threw it into temporary confusion, but rallied by Balcarras, it stood firm.

At this critical juncture, Benedict Arnold came upon the field at a mad gallop, mounted on a dark thoroughbred. Horse and rider seemed as one, and the magnetism of the animal and the martial spirit of the man, were blended, as they plunged, where the battle was hottest, into the smoke and the shot. In his tent he had heard the sounds of the conflict, and

at last, maddened beyond all restraint, had ordered his horse and thrown himself into the saddle exclaiming, "No man shall keep me in my tent to-day. If I am without command, I will fight in the ranks, but the soldiers, God bless them, will follow my lead. Come on, Victory or Death." He had outrode the orderly whom Gates had sent to remand him to his quarters. Placing himself at the head of Learned's regiments, who received their old Commander with loud huzzas, he led them, with the fury of a mad man, against the British center, brandishing his sword and giving his orders in person. Upon his second charge, the Hessians broke and fled in dismay. Then the battle became general along the whole line. Arnold and Morgan were the controlling spirits of the hour. Arnold was ubiquitous. He led assaults upon the enemy's works at the point of the bayonet, dashed from one part of the field to another, and assumed command wherever he found troops. Finally at the moment of victory, when he was entering the sally port of Breyman's entrenchments, his horse was killed and he was disabled. At this supreme moment, his generosity, chivalry and martial ardor, were all displayed in his saving the life of the German who had shot him, and in his cry to his soldiers, "Rush on, my brave boys, rush on."

Death is sometimes cruel, but at other times, it is wonderfully merciful. If it had claimed Arnold at this hour, how merciful it would have been. Death in victory was his fondest aspiration, and his countrymen would have inscribed his name, on its roll of martyr heroes, with Warren and Montgomery, as the Bravest of the Brave.

In physical torture, but sustained by the ecstasy of victory, and the consciousness of duty done, we must, for to-day, leave Benedict Arnold bleeding on the field of Saratoga, with just a glance, however, forward to the cruel years. For many weary months he was unable to leave his cot or litter. Then ensued other months of slow and painful convalescence. To Arnold's strenuous spirit, this enforced inaction was most irritating and irksome. Naturally he passed in review the thirty months intervening between the call to arms, and that fateful October day which determined,



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than the patriots. In England the admonitions of Pitt had, at last, been heeded, and the Cabinet was willing to grant the colonists all they at first demanded: No taxation without representation; legislative assemblies of their own; the redress of all grievances. On May 28th, 1780, Washington wrote, reflecting the views of large numbers of the sincerest patriots, "Indeed, I have almost ceased to hope."

Benedict Arnold's achievements, during the period under review, seem almost superhuman. Yet like other generous, impetuous natures, he was intensely human, proud, sensitive and eager for praise and approbation. He had not mastered that thought in Burton's lines, which to us of the twentieth century, makes life worth living:

"Do what thy manhood bids thee do; from none but self  
expect applause,  
All other life is living Death, a world where none but  
phantoms dwell."

The treason of Benedict Arnold is one of the saddest facts of our national history. Yet to the impartial psychologist, it is not as inexplicable as the persistent injustice with which he was treated by the Continental Congress. His act was abhorrent and indefensible. Its acts were abhorrent and indefensible. But there is this difference, Congress had the initiative.

Man's day is short. However bright and promising its morning, a single false step, and its sun is obscured and before the clouds break, night has come, and darkness. It is different with a race, or nation. Their days are long and gracious. However unworthy, or infamous their deeds, they may redeem themselves before their cycle ends. The descendants of Benedict Arnold have been of unblemished character, and have held high positions in the army, the church and among the landed gentry of England. The American Republic has done much, in the past, to promote individual liberty, and the rights of man. Arnold's race has earned absolution for the treason of one of its most distinguished representatives, and the nation, absolution for the terrible injustice which was the primal cause of that treason.

A century and a quarter have elapsed since Benedict Arnold fell at Saratoga. The time has come, when justice, simple justice, should be done his memory.

## SOME "IFS" IN THE BURGoyNE CAMPAIGN.

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BY FRANCIS W. HALSEY.

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NO one who studies the war we call the Revolution, in which the decisive battle was fought in Northern New York, can fail to perceive that, had its results been fatal to the American cause, the cause, in spite of this, must ultimately have won. That war was part of a great movement then going forward in many parts of the world—in England as well as here and notably in France. It triumphed at last on every field—the cause of popular rights as opposed to the prerogative of kings.

We cannot well understand those events in America unless we turn to public life in England at that time. Our quarrel with the Mother Country was the same quarrel in which the opposition party in England had engaged with Parliament. Parliament did not represent the English people. It was a packed body and the king controlled it. Great towns went wholly disfranchised. Popular government there was none. When we recall the sympathy given to our cause by Burke, Fox and Chatham, we must remember how well they understood that we were fighting their battles as well as our own. They knew that, should England grant the American demands, the same principle would have to be applied to great disfranchised English towns like Birmingham and Leeds. Well might Lord Chatham declare in the House of Lords, for he spoke not so much for our land as for his own, "Were I an American as I am an Englishman I never would lay down my arms. Never, never, never."

Here we are to remember how much more true it is that George Washington fought not only the battles of America, but the battles of the English people. Not of one land simply was he the hero; not in one world alone did he become a founder of free states, but in two lands and in two worlds. On the banks of the

Potomac we have raised to his memory the tallest shaft of all our territory. Well might a monument equally imposing be set up in everlasting honor of him on the banks of the Thames in London.

Here in the Champlain Valley and in the Valley of the Hudson the war of the Revolution was fought out. We may say this in all deference to what was done near Boston; but those events in Massachusetts were merely the preliminary steps in the greater war which followed, once the entire thirteen colonies were in revolt instead of one. Here, in truth, was the central and critical ground of the entire struggle with England, for it meant the control of the navigation of the Hudson river, and all this meant the momentous fact whether or not the American people should have their territory severed in twain. Around that contest revolved the battles of Long Island and Harlem Heights, of Princetown and Trenton, the Brandywine and Germantown, Monmouth and Stony Point, Oriskany, Bennington and Saratoga, and last of all, though by no means least in the tremendous issues involved, the treason of Benedict Arnold.

All the more honor belongs to New York for the splendid stand she made against British arms, and notably in the means by which she made it possible to check the progress of Burgoyne, because here had been flourishing centres of life completely dominated by English influence. New York City had long been the centre of a small court modelled after the court of London. Society and public life had thus derived their tone from a royal example. Men and women conformed in dress to London fashions, not only in that city but along the Hudson Valley and far up the Mohawk, to the very borders of civilized life.

Wherever in those days an official was found in New York he was almost certain to be a Tory. If not a Tory, he was a neutral man. He was never a patriot. Beneath the outward signs of official life, however, were the great masses of men who were emphatic patriots,—men who earned livelihoods not by holding office, but through enterprise, industry and laborious toil,—the true Americans of that time, splendid examples of whom were seen in the militiamen of Tyron County by whom the



onward march of Burgoyne's reinforcements was stopped in the frightful slaughter at Oriskany.

First among Americans who saw the importance of the Hudson valley and the possibility of a descent like Burgoyne's, was a man whose name for six years afterwards was repeatedly covered with martial glory, one of the bravest of the brave, the trusted friend of Washington, but a name remembered now almost wholly for an act of infamy—Benedict Arnold. One week after the fight at Lexington, Arnold suggested the sending of an army to the upper Hudson for the capture of Ticonderoga and Crown Point. In May he set out as commander of it. Ethan Allen with his Green Mountain boys joined him on the way and together they pressed on to demand surrender in famous words.

Again in September a second army set out from the upper Hudson valley northward beyond Champlain, and Benedict Arnold once more went forth, traversing the forests of New England from the valley of the Kennebec, bound also for Canada. On arrival he met Montgomery who had already forced his way from New York territory to Montreal. The two men pressed on to Quebec, on whose heights twelve years before General Wolfe had gained a renown that can never die,—the happy warrior's death, death in victory. Here in scaling these heights Arnold was wounded and Montgomery killed—that soldier of New York who died all too soon for his country, who lies buried beneath the portico of St. Paul's church with the roar of Broadway above him, chanting his eternal requiem.

Had Benedict Arnold been able to cross the New England forests with his army intact, we can now see how differently we might write the history of Northern New York. His army combined with Montgomery's could easily have taken Quebec. That fortress once secured, the British must forever have been cut off from New York by the northern approach. There would then have been no Burgoyne campaign, no battle of Bennington, no battle of Oriskany.

How much else all this suggests for mention. Out of the battle of Oriskany proceeded that new kind of warfare which

for five long years laid desolate the frontier of New York—that warfare of arson, massacre and ambush fighting, of which Indians were masters, and of which the guiding spirit under the direction of the English was Joseph Brant. Those invading hordes made desolate what had been a smiling and prospering chain of settlements. They became a land of terror and at last were reduced to a land of silence. Twelve thousand farms ceased to be cultivated in that territory. Quite two-thirds of the population died or fled, and among those who survived were three hundred widows and two thousand orphans. It was a record of battles in the open, battles in ambush, massacre and child murder. Among its incidents are scenes so horrible as to surpass all the other tales of horror one could relate of the Revolution.

When Burgoyne came down, the British already had made attempts to capture the Hudson valley. But they had completely failed. General Howe could boast of nothing more than that he still held Manhattan Island. Carleton maintained his place on Lake Champlain, but Ticonderoga and the whole Hudson Valley were still secure in American hands.

When the second great contest for capture of this critical ground ensued, it was of all attempts the most desperate, and yet it meant the same inglorious end in the surrender of Burgoyne. So vast a military enterprise had never before been undertaken in America. Its ultimate failure was due, on the one hand, to the battle of Oriskany and on the other, to that extraordinary blunder made in London by Lord George Germaine in not signing the papers by which General Howe was ordered to advance from New York up the Hudson to reinforce Burgoyne. That blunder really belongs among the historic instances of colossal inefficiency in official life. Had General Howe gone up the Hudson, he must easily have made his way to the fields of Saratoga, just as Clinton, several months afterwards and when all was too late, made his way with a much smaller force.

I have indicated here certain "ifs" in the Burgoyne campaign. One other remains to be chronicled. Had not Arnold been at Saratoga we might indeed have had a different result. When

Burgoyne attempted to break through the American line, it was not the commanding general who proved himself equal to the occasion, but the man who was afterwards a traitor. By a brilliant dash Arnold swept down upon the British and cleared the field, and yet in that monument which commemorates the great surrender, the statue of Arnold is absent. Only a vacant niche is seen there—pathetic witness alike of Arnold's glory and his shame.

Had the fortune of the day gone differently on that field, we cannot well say what the issue of this war would have been. Surely America could not then have secured the confidence of Europe, and the practical aid of a great power. From that event we must reckon the loan we got from France, the soldiers she sent us, the chief among them all, Lafayette. France now had found that this American alliance was well worth having. She had just lost to England an empire in the East; she still had hopes of recovering it; and hence she was glad to assist this new and rising power in the Western Hemisphere in its conflict with the same enemy with which she herself had crossed swords in the far East.

After Burgoyne's surrender the war went on, it is true, for several years; but the end could already have been foreseen by all wiser minds. Indeed the English scarcely now hoped to do more than retain some part of their territory in the South, and there in South Carolina and Georgia the war thenceforth was mainly fought. The central ground here in New York had been saved and that was the vital fact in those eight years of strife.

New York had held fast to her allegiance,—patriotic, imperial New York. And thus on her soil had been prepared the way for that new and grander empire of democracy, of which our state now forms so great a part—that empire reaching from the stormy sea that divides our land from Europe, to the placid waters that lave our western shore; from the great unsalted seas of the North to the tropic Gulf, now secure to mankind forevermore.

## THE BARONESS DE RIEDESEL.

BY MRS. DONALD MCLEAN.

**M**R. PRESIDENT, members and guests of the New York Historical Association, and those present who are especially near and dear to me, the Daughters of American Revolution, before embarking on a brief and unelaborated account of the life and experiences in this country of the Baroness de Riedesel, I would express my appreciation of the invitation to address so distinguished a body as this Historical Association.

The more constantly and widely I travel through the State of New York—from its northern tier to its southern, from the Adirondacks to Niagara, from the great Lakes, to these gems (the Lakes George and Champlain) set in their malachite arms of green crested hills, and when I think upon our great Imperial City, New York, stretching out her young and lusty arm to her lovers of the sea, and yet true ever to her sister cities of the wooded plains—the more I am impressed of the righteousness of the title “Empire State.” Even the sister states of the Union, are willing so to acknowledge New York without envy or malice or uncharitableness. The great old state of Virginia may say “It is true I have given presidents to the country, but New York gives ‘promoters’ and even a Pierpont Morgan now and then—and what more could one ask?” It is, therefore, seemly and fitting that the history of the State of New York should be sacredly preserved, and the Empire State leaves to you, her children, as a precious heritage, the preservation of her records and her relics.

I bring to you this morning, not the stories of famous soldiers, as have been given by the eminent gentlemen preceding me; not the story of flaming warfare and the rush of victorious battle,

but the story of a woman—of Madame de Riedesel.

In analyzing her character I should consider her most salient characteristic, to be that of buoyant vivacity exhibited under the strain of great hardship and danger. Endurance and devotion to her husband were admirable qualities, but not so rare—there are those of us women even in the present day who claim that latter distinction!—but Madame de Riedesel displayed the utmost courage and vivacity, in addition to her endurance of the trials and dangers necessitated by her following her husband through the fortunes of a bloody war lasting many years. Born of distinguished parents; opulence was her birthright, and adulation her daily food; she was the daughter of the Prime Minister of Prussia, Massow, and she was born in 1746. Later her father became the Intendant General of the allied army at Minden, and at Brandenburg when but 17, his daughter (Frederica Charlotte Louisa) met Lieut. Colonel Baron de Riedesel. A love affair and marriage soon followed, and three children were born. When our American Revolution first burst forth, the Baron de Riedesel was put in command of the Brunswick forces in the English service and came to this country. In 1777, his young wife and three children followed him. This heroic devotion brings to mind the young and lovely wife of Lafayette, Antoinette de Noailles, who instead of dissuading her husband from taking up arms in the cause of Liberty and our Flag, urged him on, though two small children clung around her skirts and one yet unborn lay upon her heart. Made of like stuff, the Baroness de Riedesel would have followed her husband fearlessly and gladly had he taken up arms in the cause of the rightful independence of man. Of course she *did* follow her husband, whatever his cause, for that is a womanly habit, (do not be deceived into thinking that, in this modern day, such a trait is obliterated—for it is not); thus it behooves man to be careful in what paths they walk, what cause they uphold and protect, for by their own deeds do they draw to such cause the other half of humanity. Had the Baron de Riedesel come to us as did Lafayette, think now how his name would be acclaimed with love and reverence by a million patriot tongues—

instead, 'tis scarcely known in the annals of our own country and bears no great lustre on the pages of the history of his own. Madame de Riedesel is remembered in our land chiefly because of her womanliness, her courage, her tenderness and that vivacity of which I have spoken, which sprang like bubbling waters beside the dusty highway of the soldiers' arduous life, where they could stop, be refreshed and pass on to further efforts.

As has been said, Madame de Riedesel followed her husband in 1777 landing in Canada and coming immediately to Fort Edward, thence to Saratoga where she was on the 7th of October. Until that date it is probable that she had had no conception of what she had undertaken nor of the horrors of warfare. In the house which had been obtained for her she expected to entertain on that fateful 7th; her dinner table was set with what form was possible in those days and conditions, and Generals Burgoyne, Phillips and Frazer were to be her guests. As the day wore on, however, the Baroness was startled from her household cares by the roar of artillery and the horrid noise of war, and instead of her guest at dinner, General Frazer was brought to her mortally wounded. She nursed him through the night being the last human being to give him comfort and strength, although her children trembled with terror at her feet and she was agonized not only by the situation, but by fears that her husband would be brought to her at any moment in like case with General Frazer. Grand and glowing as are the fires of patriotism, they leave but cold the heart of woman, when "home they bring her warrior dead." General Frazer died early the following morning and according to his last request was buried upon the top of the redoubt at 6 p. m. His fellow officers and men loyally followed him to his grave. The Chaplain read the service amid a hurtling cannonade, for our forces knew not it was a funeral cortege wending its way skyward. Here the high quality of Madame de Riedesel's unselfish courage demonstrates itself, she says: "Of course the cannon balls were crashing around myself but I scarce knew it, so fearful was I lest one should burst near to and injure my husband." The next ten days were full of anxiety, suffering and defeat for Madame de

Riedesel and her husband. On the 17th, the final victory for our forces was accomplished.\*

After the surrender Madame de Riedesel was much happier, feeling that her husband was safe, caring more for her husband's welfare than for the success of British arms. I doubt if she ever imbibed any spirit of bitterness or antagonism to our American forces; she was not English or the wife of an Englishman, therefore it was not her cause and she neither mourned defeat nor seemed able to comprehend the extremity of American bitterness against the injustice of the English. However, her own feeling in this respect was justified to a degree, from her standpoint, when she saw the terms of apparent amity and friendliness exhibited after the surrender between Generals Gates and Burgoyne. These appearances seemed to have given her great pleasure and she confided herself to General Schuyler's family, to whom she paid a visit on her way to Albany, although she refused American protection during the battle saying: "Nothing could be more painful to me than to owe my safety to my husband's enemies." Mrs. Schuyler and herself seemed to have, at least, one point of congeniality in their mutual fearlessness. Doubtless Madame de Riedesel recognized and admired the intrepid spirit which caused Mrs. Schuyler to exclaim, when after fleeing with her babe in her arms from pursuing troops made more fearful by the presence of Indians, she was asked "Were you not afraid?" and responded: "*The General's wife cannot be afraid.*"

The Baroness states that on her long journey with her three children in the old Calash in which she traveled, she never met with disrespect from the American soldiers—this was a tribute paid her motherhood. A woman crowned by the little hands of

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\*N. B.—No special mention is made in this monograph of Madame de Riedesel's experiences in the cellar of the old Marshall house to which cellar she retired with her children to escape the bombardment, and where she nursed the wounded who had sought the same refuge, and shared with them her scanty provisions. This incident is so well known it seemed unnecessary to recapitulate

her own children may confide herself safely, the world over to the higher instincts of man. Madame de Riedesel journeyed to Boston and remained there several months where she found American patriotism a much more vigorous quantity than she had heretofore experienced.

In June, 1778, she undertook to give a ball to the British officers, but such entertainment did not meet with favor by the patriotic residents of Boston; and the Baroness had an opportunity to view the first wireless telegraphy of our land, the kindling of the beacon fires on Massachusetts hills, calling together, by their silent but electric warcry, the protectors of the Commonwealth, (this method of signalling by fire was adapted from the old Scotch war habits. When the Chief of a Clan sallied forth to fight, he carried the burning cross, a lighted fagot in his hand and it was a signal to light the beacon fires on countless Scottish heights—and the Clansmen rallied to their Chief).

From Boston Madame de Riedesel went to Virginia reaching there in 1779 to join her husband who had been ordered south, traveling in rough wagons through the intervening States and consuming many months in the trip, but her buoyancy seemed never to desert her,—her letters and memoirs are all good cheer.

While in Virginia she met the Washington family and also made fast friends in a Baltimore family. She afterwards visited that city and pays great tribute to the hospitality with which she was received saying "people of our own opinions, of course, greeted us warmly, while those opposed did likewise, for they seemed, in Baltimore to know no other liturgy to strangers within their gates." When about a year later the Baron de Riedesel, as prisoner of war, was finally exchanged; the Baroness and children joined him in New York where they were domiciled in Governor Tyron's house and led a pleasant life. From New York the Baron was ordered to Canada rejoining his original regiment. His family were with him and soon thereafter they returned to their native land where the Baron died in 1800. The Baroness founded a hospital for the orphans of soldiers and followed her husband to rest in 1808.



To sum up the chief points in her career, we see that the Baroness de Riedesel married very young (at 17) and displayed from henceforth unusual strength, buoyancy, devotion and courage. She followed with three young children her husband to war, and for years endured untold hardships and privations with a high heart and smiling face. During this period she exhibited the finest characteristics of womanhood, nursing the wounded, comforting the dying, cheering the living. She died, leaving behind her an orphanage where the children of those soldiers, whom she loved so well, should find protection and care through coming generations. Although not espousing our cause, because of her husband's mistaken action, her womanhood deserves the tender comprehension and praise of her own sex and the admiration and respect of men—and for this womanhood we, to-day, laud her memory.

## GEN. PHILIP SCHUYLER.

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[GEN. PHILIP SCHUYLER—The monograph by Morris Patterson Ferris, upon General Philip Schuyler was not received in time for publication.—*Secretary.*]

# WHERE WE GOT OUR GOVERNMENT.

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## THE FOUNDATION OF AMERICAN INSTITUTIONS.

BY GEORGE CARY EGGLESTON.

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THE vital part of a country's history is that which shows forth the genius and spirit of its institutions and traces them to their origins in the experience of the people who live under them.

For it is there and only there that fundamental law and accepted custom have their birth. The institutions of a people are simply those rules of life and government which that people has found it necessary to set up as a safeguard against evils and dangers encountered in the past, and as an aid in securing those benefits of which experience has taught the need.

Institutions, therefore, reflect with the exactitude of a mirror the character of the people who have adopted them,—their moral and intellectual attitude, their social desires, their conceptions of right and wrong, their aspirations and their fixed purposes. Institutions are the essence and outcome of experience. They are history itself in crystallized form.

In no other way, therefore, can we learn and justly interpret the history and character of a nation so well as by studying the fundamental law which that nation has set up as the basis of its being. The mere events of history are well nigh meaningless if we think of them only as things that have happened. If we would judge events justly and understand their real significance we must inquire to what institutional results they have led, and turning the matter about, if we would justly interpret the institutions of a people, we must study the events and circumstances that have brought them into being. This is what our higher courts have always done when called upon to decide pre-

cisely what and how much a constitutional provision may mean. They search the history that went before the constitution, and look to it for illumination as to the constitution itself.

In asking where we Americans got our government, therefore, we must bear in mind that fundamental laws are not fashioned at will out of raw materials, as the implements of industry are. They are not made to any man's order or shaped to a pattern of any man's devising. There was never yet a man nor a set of men wise enough to do that. Many attempts to do it have been made, and all of them have ended in failure—disastrous or ridiculous according to circumstances.

The most valuable experience of the kind recorded in history, was that undertaken by the statesmen of France at the time of the Revolution. They were men of high ability and great learning, and they wrought with a perfectly free hand. They were restrained by no lingering respect for tradition; they were held back by no wish to preserve the old or to shun the new. They had utterly repudiated the past. They had done a perfect work of destruction. They had dethroned their king and beheaded him. They had abolished the very idea of kingship and had turned Aristocracy and Privilege completely out of France.

Thus freed from all trammels of tradition these men set to work to fit France with a totally new institutional garment that should satisfy the country's needs and fearlessly conform itself to the requirements of that Pure Reason which France had set up as the only god of its worship. They abolished the calendar as a relic of more ignorant and superstitious times, and instituted a new one of their own fashioning in its stead. They divided the year anew and renamed the months. They repudiated the week as an irrational division of time and set up in its place a system of decades of days.

In all that pertained to government they were inspired by a like spirit. They created a totally new framework of institutions—institutions made to order by perhaps the most competent artisans that ever attempted such a task. These institutions were splendid, admirable, perfect—and utterly unworkable. We know what happened, chaos came quickly; then the

despotism of a complete directory; then an arbitrary consulate; and finally the Empire of Napoleon—the completest military autocracy that this modern world has known—founded itself upon this substructure of radical democracy. The trouble was simple enough. The institutions which the statesmen of France so laboriously set up were products of manufacture, and not the results of natural growth. They were not an embodiment of the people's history. They were shaped by the arbitrary will of men and not by the influence of environment. The garment had been fashioned to fit theories, not conditions, and conditions promptly threw it into the rag bag.

We cannot too firmly fix this distinction in our minds if we would study history with profit. Institutions grow as trees do. Their forms and the direction of their growth are determined absolutely by their surroundings. They grow in such ways as best fit them to their invironment, and they do this obstinately as if they were conscious free agents exercising an untrammelled will. As the tree which finds itself rooted in the dense forest grows steadily upward in search of sunlight, while its brother planted in the open fields spreads out with a differently directed luxuriance, so under differing conditions institutions take varying forms in adaptation to varying needs.

With this thought clearly in mind, let us inquire, where we got our institutions, state and national? Whence came those dominant ideas which have made our system what it is?

Certainly no man and no company of men manufactured our system of government or invented the ideas that control our thought and life. Our institutions have worked too well for that during the century and a quarter of their being.

When Mr. Gladstone said of our constitution that it was the most admirable framework of government ever devised by the genius of man at a single effort, he spoke without due consideration. Admirable our constitution is,—admirable beyond precedent or comparison—among human institutions—but it was not created by the genius of the men who formulated its provisions. It grew out of the history of the American people. There is not a thought or a principle imbedded in it which was

not born of the travail of long suffering, not a provision which was not framed to meet conditions of which the people had had experience.

Still less was our system borrowed from any source, or copied from any model. It is the common thought, I know, that ours is simply the British system slightly modified. It is to combat that thought that I address this body. Our system is nothing of the kind. Indeed a little study of the two plans of government must convince the intelligent inquirer that so far from our system being a copy of that of Great Britain, it is, in fact, the exact opposite of that in all that is fundamental and important. There are points of resemblance between the two, but they are rather in form than in substance, and they are overwhelmingly outnumbered by the differences, and outweighed by the importance of the contradictions. It is scarcely too much to say indeed that the convention of great men who framed our constitution devoted their most zealous care to the task, not of copying the British system, but of avoiding the leading characteristics of that plan of government. It was their task to write into our fundamental laws those principles and convictions of right in behalf of which the American people had been struggling against the British system all their lives.

Even had they desired to borrow the British constitution, as they very certainly did not, they could not have done so for the sufficient reason that there was no such thing as a British constitution to copy. There is no such thing indeed to this day. In that country there is not a written line of law that can in any wise restrain the arbitrary will of Parliament. There is nowhere in that land a court authorized to say of any thing that Parliament may see fit to enact, that it is unconstitutional and, therefore, void. The very idea of a constitution defining and limiting the power of the Legislative body is foreign to the British system and repulsive to it. Therein lies the first great fundamental difference between our organic law and that of the Mother Country. The people of America had suffered much of oppression during the period of their colonial dependence, for lack of means by which to regulate and restrain constituted authority.

Accordingly, the first thought was to provide a written constitution, which should precisely define authority in each branch of the government and in each subdivision of the country, so that each should act as a restraining and regulating check upon the others. For the very first time in all history the three departments of government—the legislative, executive and judicial—were completely separated and made independent, equal and coördinate. It was provided that Congress should have power to legislate only upon certain subjects, only in certain ways and only within certain limits, and that the courts alone should have authority to determine whether or not any act of Congress is within the constitutional power of Congress to enact. If the courts decide that any enactment is unconstitutional, it becomes absolutely void and not law at all, and the legislative power bows to the decision.

Here is a radical departure from the British system. In Great Britain an act of Parliament is constitutional by virtue of the fact that it is an act of Parliament. There is no power in any court or anywhere else to gainsay it. The legislature there is omnipotent, in precisely so far as it chooses to exercise omnipotence. With us it is a body created by the constitution and subject to the fundamental law. Every act of legislation must be founded upon some grant of power specifically made to Congress by some provision of a written constitution, every word and phrase and punctuation mark of which was set down only after long and careful consideration and thorough discussion. It is an interesting fact that some of the most important decisions of the supreme court, affecting the power of Congress to legislate, have turned upon the use of a comma in the constitution.

If there were no other difference than this between the British system and our own this alone would be enough to place them at opposite poles of thought.

Where did the framers of the constitution get this idea which they were at such pains to imbed in our fundamental law? The answer must be ( to every one who has read so much as a school history such of the oppression which

drove the colonists into rebellion had its birth in arbitrary acts of legislation made in flagrant violation of the rights of the colonists as English men. The colonists held these acts to be clearly in violation of British fundamental law, but there was nowhere any court that could declare them unconstitutional. There was no authority that could question their validity, no power that could challenge the omnipotence of the legislature or restrain its wrong doing.

The Colonial courts did, indeed, assume such authority now and then and exercise it in revolutionary ways. But there was nothing in British law to justify them in doing so. Their assumption of authority to negative an act of Parliament or contravene an executive order was simple usurpation. But from the events that prompted such usurpation, the Colonists learned their need of judicial restraint upon executive and legislative power, and the lesson was reflected in the constitution which they afterward framed for their newly created nation.

Examples of such assumption of judicial power by the Colonial courts were many. When the British ship *Gaspee* went ashore in Narragansett Bay and the merchants of Providence burned her in retribution of her preying upon their commerce—a preying which was done in the enforcement of laws enacted by parliament—the men engaged in the affair were ordered out of the country for trial without a jury. This was in strict accordance with a law which no court had legal authority to question. But, Mr. Justice Hopkins, assumed power to forbid so flagrant a violation of right, and without authority of law—in direct violation of law indeed—he refused to permit the legally ordered deportation of the offenders.

In the same spirit the Colonial courts dealt with the stamp act. Every judge in America perfectly knew that documents not written upon stamped paper were legally void and of no effect. Yet the Colonial judges, impressed with the necessity of judicial restraint upon legislative acts held such papers to be valid in spite of their lack of stamps and enforced their obligations to the letter. They did this in defiance of statutory law and in obedience to the “higher law” of necessity, and when the



statesmen of the revolution came to the task of framing a constitution they recognized the necessity thus experienced, and directly provided that the courts of the nation should be clothed with the powers that the courts of the colonies had felt themselves compelled by circumstances to usurp. They wrought into the fabric of the constitution a safeguard against a danger which experience had taught them to dread. In thus distributing the powers of government among three separate, independent and coördinate departments, and clearly defining the functions and the limitations of each, the framers of the constitution instituted a device of government which had never before existed in its fullness in any country on earth. But they did not invent the underlying idea still less did they borrow it from the mother country. They simply recorded the lesson which the American people had learned in the school of experience, and carried out their purpose to safeguard their liberties against a danger which bitter experience under the British system had taught them very greatly to fear.

This is but one illustration of the truth for which we are contending, that our system, so far from being a modified copy of the mythical and non-existent British constitution, is in fact its exact opposite in essential characteristics.

Let us pursue our inquiry a little further. Under the British system the executive is part and parcel of the legislative power. The Ministers who do all that our President and cabinet do, are required to be members of parliament. They are indeed the leading members of that body. They suggest legislation and carry it through. In important ways they control parliament, and in other large ways they are the mere creatures of the legislative body. They hold office subject to its will. They govern solely as a committee of the House of Commons. Whenever they find themselves without the support of a majority in that body they must go out of power, giving place to some other committee selected by the majority to take the reins of government. Our system is the exact reverse of all this. With us the executive power is wholly independent of the legislative. It has no initiative in legislation and indeed no voice in it, except

by way of a veto, which the legislature may override. On the other hand the legislative body can in no way control the executive power in the exercise of its well defined functions. The executive authority is not dependent upon the legislative will for its continuance nor does it pass to other hands when the people choose to elect an adverse majority to Congress. The executive term is fixed by the fundamental law, and the powers of the executive are as well defined by constitutional provision as are those of the legislature or of the judiciary. Here we have not similarity but contrast to the British system, and here again we find the organic law to be a clear cut reflection of the people's experience. Much of the oppression that drove the colonists into revolt came upon them through the arbitrary exercise of ill defined executive powers, by governors who were in no way subject to the restraints of law or the jurisdiction of courts. Experience had thus taught the Americans the necessity of defining and limiting executive functions by well ordered provisions of the fundamental law, and at the same time setting the executive free from whimsical control by the mere breath of the legislature. Thus in the provisions made for the executive as in those framed for the legislature our organic law represents a direct protest against the British system, a protest prompted by the teachings of experience.

One point of resemblance which is often insisted upon between our own and the British systems, is the fact that in both countries the legislative power is lodged in a representative body composed of two chambers, both of which must consent to any act in order to make it a law. But the resemblance is wholly superficial, unreal and fanciful. Neither house of the British parliament is, in fact, a representative body, in the sense in which we understand and insist upon representation, and at the time of the adoption of our constitution the British legislature was even less representative than it is now. Let us look a little at the facts.

The upper House of Parliament is not elective at all, nor is the most eminent subject eligible to membership in it if he be not either a Bishop or a peer of the realm by royal favor past

or present. It represents nothing, whatever, except hereditary privilege and ecclesiastical authority. Its members are such as have inherited title and place, together with such as have attained high positions in the church. The very constitution of that house is founded upon the assumption—utterly hateful to the American mind—that one man may have a right to govern another man without that other man's consent—that a certain class of men are entitled by inheritance to rule the people, whether they are fit or unfit, whether the people wish them to rule or not, and whether their ideas, policies, sympathies and convictions are in accord with those of the people or are directly opposed to them. That idea is utterly abhorrent to the American mind. It is founded upon a direct denial of those "self-evident" truths upon which our government rests. It was in revolt against that idea and others akin to it that our revolution was made. Accordingly, when the fathers of the Republic set themselves to embody American ideas in organic law, it was not so much as suggested among them that privilege—hereditary or otherwise in origin—could be permitted to exist in a free country. They had no more thought of borrowing this basilar principle of the British system than they had of asking a British King to send us princely governors, or of beseeching a British parliament to legislate for our welfare. They held firmly by the conviction that "all men are created equal"—that every human being born into the world has an absolute right to do as he pleases, so long as in doing so he does not trespass upon or abridge the equal right of any other human being to a like liberty. That is the American idea, the foundation stone of our system, and the framers of the constitution were imbued with it to the tips of their fingers. Ideas rule the world, always and everywhere, and our national idea being the exact opposite of that which underlies the British system, the two systems are of necessity precise opposites in all that is vital and essential.

But objectors remind us that the lower house of the British parliament—the House of Commons—is quite differently constituted, and that all real power in Great Britain is in fact vested in that purely representative body. The Right Honorable

Joseph Chamberlain has gone further and contended that the British system is even more democratic than our own—even more completely a government of the people, by the people and for the people,—for the reason that in the last analysis all power in Great Britain is vested in a House representing the people, while our House of Representatives is possessed of only limited authority. All this might be true if the British House of Commons were really a body representing the people; but it is in truth nothing of the kind.

Our House of Representatives is elected every two years for the express purpose of keeping it always in touch with the people. Its members are chosen by the equal suffrage of all voters and in as exact proportion to population as a careful reapportionment after every decennial census can secure. The British House of Commons, on the other hand, is elected for seven years, and if its majority remains in harmony with the ministry, it may go on legislating for that full term, no matter how completely the people may have changed their views of policy in the meantime, and again parliament may be dissolved at any time by the fiat of the ministry. Imagine a President dissolving Congress! These, however, are but the minor points of difference. Our representatives have salaries sufficient for their needs, so that poor men as well as rich can afford to serve their constituents as members of Congress. The members of the British House of Commons have no salaries at all, a fact which of necessity and of direct purpose makes membership in that body almost exclusively the privilege of the well to do. This is an essential part of the British system, which, at every point, rests upon the idea of privilege and class government. More important still, seats in the House of Commons are not apportioned according to population, but by favor and with direct intent to prevent that equality of representation which our system is at such pains to secure. Thus the Universities of Oxford and Cambridge, in their corporate capacity, elect two members each to parliament, while the half million people in one of the greatest manufacturing cities in England are represented by only four. This inequality of representation runs through the entire apportionment. Small

rural communities, completely dominated by a few great land owners, are represented out of all proportion to the voice allowed to the people of the great cities where the toilers of Great Britain dwell and where they do the work that makes Britain great and keeps her prosperous. In brief the greater part of the people of that country are in fact disfranchised, either in whole or in part. That House of Commons which rules England is not a body really representing the people, even now after half a dozen reform bills have been enacted in response to the people's demand for representation. What it was at the time when our constitution was framed, it is difficult for the American mind to conceive while thinking of representative government as a fact or a thing desirable. The inequality of representation then was such as to make a very mockery of the idea of popular government. The industrial cities were completely overborne by the rotten boroughs and pocket boroughs. Pocket boroughs were those in which there was no population except the tenants, servants and hangers on of the great land owners, and these were required to vote by a show of hands in the presence of a landlord who could doom them and their families to starvation if they presumed to vote otherwise than as he directed. In other words, the House of Commons at that time consisted largely of members who elected themselves or represented only the good pleasure of single proprietors. The rotten boroughs were still worse, and they were not abolished until half a century after our constitution went into operation. These were boroughs in which there was no population at all, but in each of which some privileged person was permitted to elect himself or anybody else he pleased to parliament. In some cases the boroughs themselves had sunk under the sea, and no longer had any existence except in the persons of their "representatives" in parliament, whose votes, though representing nothing on earth but personal privilege, neutralized those of men representing populous constituencies whose welfare in very vital ways depended upon legislation. Surely it was not from such a model as this that the framers of our constitution copied our system of really representative government! There could not be a greater contrast indeed

than that between these two systems. If the creative statesmen of America considered the British system at all when providing for popular representation it was only for the purpose of avoiding the monstrous injustices of that system. The American people had learned in the hard school of their own history a lesson in representative government very radically different from any that British example could teach. They had fought a long and terrible war in assertion of precisely those principles of equal right among men which the English system was carefully constructed to deny in behalf of hereditary class privilege. They had suffered sore oppression in direct consequence of inequality of representation, and when they came to embody the teachings of their own history in institutions, one of their first cares was to safeguard this danger point by provisions as different as they could make them from those in force in Great Britain.

Since our constitution was framed, our cousins across the sea have done much by reform bills and otherwise, to conform their system to ours; but the borrowing has been theirs and not ours. In so far as there has been copying, we have furnished the model and they have done the imitating. In view of the facts it is difficult to conceive of a more absurd proposition than the suggestion that the statesmen of America took the British system as a pattern when they set themselves the task of framing a fundamental law for our republic, and it would be easy—if time allowed—to multiply illustrations of the contrast between the two. The British system, a hundred years ago was organized throughout to secure privilege and exalt its influence in the state. Our constitution makers utterly repudiated privilege as a hideous wrong. The British system rested upon hereditary aristocracy; ours cut the very ground from beneath aristocracy by abolishing primogeniture and entails. In the British system an established religion carries with it not only high legislative powers, making the Bishops members of the House of Lords, but other legal powers and functions that would not be tolerated for a moment among us, because of the injustice of such distinctions. In short the fundamental ideas upon which our system rests are as directly antagonistic to those that underlie the British system, as daylight is to darkness.

But in embodying the American idea of equal rights in organic law, the framers of the constitution did not, by any means, fall into the error of setting up a pure democracy. We have already seen how carefully they arranged to establish an independent judiciary as a check upon legislative excess and indiscretion. Still more carefully they constituted the Senate as a means of avoiding the tyranny of mere majorities, and as an expression of their history.

The Senate was created for the purpose of guarding securely against a danger which Americans had learned from their own experience to hold in special dread—the danger, namely, that circumstances might give to one people the power to govern another without that other's consent. Our Union was composed of widely separated states—far more widely separated in that day than in our time of rapid travel and instantaneous communication. The several states had many interests in common, but they had many other interests that were individual and even antagonistic. It was clearly foreseen that under a government based exclusively upon representation by numbers, it might easily happen that a populous group of states should come to govern the rest in ways unwelcome to them. The colonists had suffered far too much of injustice and oppression from government outside of themselves, administered in interests quite other than their own, to leave such a point unguarded, so, having provided for exact equality of popular representation in the lower house of Congress in order that every man's voice might be heard—they decreed that there should be an upper house in which all the states as such should be equally represented without reference to population. They ordered that every act of legislation, in order that it might become a law, must receive the assent of a majority in each house, voting separately. This gave to the less populous states, equally with the more populous, an effective veto power over all legislation attempted to their hurt, and made it as certain as organic law could make it, that no one part of the country should ever be able, by virtue of mere numbers, to govern any other part of it without that other part's consent.

This idea, this purpose, this teaching of history, was firmly imbedded in all parts of our system. In consenting to form a federal union which should exercise certain functions of sovereignty delegated to it by the several states, the states took very great pains to confer upon the Federal government only such powers as were absolutely necessary to its being, and to reserve all other powers to themselves, by express constitutional provision. Without that reservation no persuasion and no conviction could have induced the states to accept the constitution at all. Even with the reservation clearly set down in the constitution, some of the states accepted the Union reluctantly,—two of them hesitating for a long time after the national government was in actual operation, before making up their minds to enter the union by surrendering some part of their independent sovereignty into its keeping. Experience had made them very jealous of their separate autonomy and independence. Thus again we see how true it is that institutions are a reflection of the history, the experience and the dominating thought of the people who frame or accept them.

This is true, not only of legally established institutions but equally of all a people's customs and habits of thought. As an illustration of this, let me direct your attention to the very great difference there was before the civil war, between the attitude of the older and the newer states toward the Union. The Union was the creature of the original thirteen states. They had set it up as their agent, and from the beginning they looked upon it as such. The thought that they might at some time withdraw from it was familiar to the minds of the people of the older states. At the time of the Embargo and again during the War of 1812 the thought of a possible withdrawal from the Union was common enough in New England when the people there found their trade destroyed and their very livelihood imperilled by the attitude and acts of the National government. It was Daniel Webster—afterwards the great apostle of "Liberty and Union, now and forever, one and inseparable"—who drew up, advocated and carried the Rockingham Memorial, which was an open and undisguised threat of the withdrawal of New



England from the Union, as a measure of self defence. There was no thought of treason or disloyalty in his mind or in the minds of the people who adopted that memorial. They simply had not then merged their state and sectional loyalty in a higher allegiance to the Union. They still looked upon the Union as the created agent of the states; upon the constitution as a contract entered upon for their own convenience, which they were free to withdraw from whenever it should be found to be inconvenient and disadvantageous. In the same way the legislature of Virginia—one of the original states, and that of Kentucky, a state which had been a county of Virginia—adopted the resolutions of ninety-eight, openly declaring a like attitude of proprietorship in the Union and their superiority to it in reserved right. Again, thirty odd years later, it was South Carolina, one of the original states, which formally asserted the right of a state to nullify a national statute within her own borders. It is a significant fact that no such conception of the Union or of the relation of the states to it, found acceptance in the newer states of the Northwest. Their attitude, then and later, reflected the one vital fact of their history. They had had no part in the creation of the Union. On the contrary they had been created by it. Their statehood was the free gift of the Union to their people. They held their autonomy solely by grace of the Union's good will, and their independence as its voluntary gift. They had never had occasion to question the righteousness of any of the nation's acts. There was nothing in their history to prompt them to a too rigid insistence upon states' rights or the limitations imposed by the constitution upon the Federal authority. Their attitude toward the national idea was that of tenderly nurtured children toward a loving and indulgent parent. It was unquestioning and complete. All of their history lay within the Union. They had no past that had not been under the Union's fostering care. They had received only good gifts at the hands of the national power, and when the time came for them to render support to it, they gave it without any questioning prompted by fear or jealousy of the power that had created them and endowed them. The original states had suf-

ferred so much from the wanton exercise of power from without, that their abiding thought in setting up the Federal government was one of dread lest the creature of their making should some day turn and rend them. The newer states of the West had no memory of such experience and no fear of such a result. To them the Union was the only object of patriotic devotion. They felt no fear that their nursing mother might ever become their enemy.

If the attitude of the newer states of the Southwest was different, the fact is explained by a difference in history and circumstance. Those states were in effect colonies of the Southern states of the East. They had been peopled almost entirely from Virginia, the Carolinas and Georgia, and not as the new states of the northwest had been, by emigration from all parts of the world. In addition to this their industry was based exclusively upon slave labor, and their very being was bound up in the maintenance of that system. This fact in their history and condition overbore other considerations and reflected itself in their attitude toward the Union when secession from the Union was resorted to for the protection of the slave system.

One is strongly tempted to pursue further this inquiry into the influence of history upon institutions and ways of thought, but it would require a bulky volume instead of an afternoon's address in which even to catalogue the illustrations that our own institutions afford of the truths to which I have invited your attention. Those truths are:

1. That the institutions of a people are natural and spontaneous outgrowths of that people's experience, the crystallized substance of its history.
2. That institutions—whether in the form of organic law or in the not less influential form of popular habits of thought, can never be made to order, but must grow, as the trees do, in accordance with condition and environment.
3. That they cannot be successfully borrowed or transplanted, but must spring up of themselves as the spontaneous productions of soil and climate do in the physical world.

4. That our American institutions were not only not borrowed from those of Great Britain or framed upon a British model, but were, on the contrary, framed chiefly in protest against the British system and as an assertion of convictions and principles directly opposed to those which underlie the institutions of the mother country; that the two systems, so far from being identical or nearly so, are in direct antagonism to each other in the fundamental conceptions of right on which they severally rest, and in all the methods of their application.

The purpose of such an inquiry must be obvious. It is intended to correct misconceptions which, if uncorrected, would rob us of our chief national glory and take away from the founders of our republic the greater part of the honor due to them for their matchless work of statesmanship. Founded upon principles of eternal truth and justice and under a constitution framed with extraordinary sagacity to meet the country's needs, ours has grown to be the greatest, richest and most powerful nation of the earth. But its highest glory does not rest upon these facts, but rather upon the more significant one that it is the FREEST of all countries, the one and only nation on earth in which every man has full and free opportunity to make the most and the best that he can of his own capacities, unrestrained by any form of governmental interference, unhindered by any disability of birth or caste or privilege, and unfettered by any religious disqualification whatever. This perfect personal liberty, this absolute equality of right and privilege, is secured to every American by the organic law of the State and the Nation—an organic law which perfectly reflects in itself the history, the thought, the aspirations of the American people, and their basilar conceptions of right and wrong.

It is to the unbounded credit of this people that their thought is such as this, and it is the undimmed glory of the founders of our Republic that they so accurately interpreted that thought and so discreetly formulated it in organic law.

## MEMORIAL OF ANSON JUDD UPSON, JULY, 1902

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BY DR. DANIEL C. FARR.

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**D**IED at Glens Falls, June 15, 1902, Chancellor Anson Judd Upson, D.D. L.H.D., LL.D., in the 79th year of his age.

Dr. Upson was born in the city of Philadelphia being descended from strong New England stock, and at an early age came to Utica in this state where his boyhood days were passed and where he received that preparatory training which enabled him to pursue, with honor, his course at Hamilton College.

After graduation from that institution he spent two years in the study of law at Utica and was then called back to his Alma Mater as an instructor where he spent twenty-five years of his life with great credit to himself and honor to the college.

These years of earnest service were most fruitful in impressing upon large numbers of men those noble traits and characteristics which enabled them to go forth into so many fields of honorable labor and win the most substantial success.

Among the many young men who came directly under the influence of his strong personality and afterwards in turn exerted a great influence upon their fellow men were such men as Charles Dudley Warner, Senator Joseph Hawley of Connecticut, Dr. Herrick Johnson, Dr. Arthur T. Pierson, Secretary Root, President Stryker and a host of others who are honoring the influence of their noble and inspiring teacher in so many different parts of the world and so many varied walks of life. The secret of his large success as a teacher is found in the great love which he felt for his students which, in turn, awakened a love for him which resulted in a strong and helpful friendship, which was an abundant source of inspiration to both teacher and taught.

The strength of the love which bound him to his students and his students to him is shown by the fact that these friend-

ships formed in youth have but grown stronger with advancing years, and when old age had fallen upon both, their attachment for each other strengthened as they each came to see a more perfect and highly developed character resulting from the friendship so early formed.

Dr. Upson's work as a teacher was not confined to the college class room, but early in his career he was called to the lecture platform where he instructed and delighted audiences of cultured people in all parts of our country. Among these lectures there is one that will ever shine as a star of the first magnitude, "The Childlike Spirit," so like himself that one can easily see that it is the child of his own spirit. This lecture has been delivered upwards of two hundred times in all parts of our country, and always with the greatest delight to his audiences. It is said had Dr. Upson never done any other work besides this his reputation among American men of letters would have been secure.

Dr. Upson won an honored position among the great preachers of this country. For ten years he filled an important pulpit in the city of Albany.

His reputation as a preacher rested upon the double fact that he had something to say and knew how to say it in felicitous language. It can be truly said of every sermon that he ever preached, that it contained a full justification for its existence.

Dr. Upson was a scholar along many lines, but especially along that of his mother tongue. Very few writers of our time have been able to use it with more exactness and force than he. Being thus endowed with a keenly appreciative mind which could easily grasp and assimilate the thoughts of others and with the power of elegant expression he was possessed of the rare power of the rhetorician whose every sentence would bring real joy to the reader of taste and culture.

In our hasty analysis of the elements which made Dr. Upson great we have touched upon his ability as a teacher, a preacher, a scholar, yet we are sure that we have not yet reached that element of his being which is superior to all others and towers

above them all as the lofty summit of some snow-capped peak towers above those foothills which mark the beginning of the mountain region. That element of superiority is that of friendship. In this he showed himself at his best; to this he gave the most and received the most in return. The intimacies which existed between himself and his friends were so close that while he most powerfully influenced them, he in turn was influenced by their strong natures which he had helped so powerfully to form.

Hence it was true that the power which he sent forth from himself to bless and enrich the lives of others in turn came back to him in increased measure which fact explains the rich and powerful life which he lived. While his friendships were strong they were no less loyal. No one ever confided his faith to the keeping of this friend and ever felt that it had been betrayed.

Such elements as these must make friends and such they did, as is evidenced by the very great number in every part of our land to-day who mourn the death of Dr. Upson as that of a personal friend.

Such has been the life of this truly good and great man and such it will continue to be in time to come. He has lived a fruitful life in the lives of multitudes whom he has inspired with his own noble sentiments and high ideals and such influences will still be fruitful for good as long as any of these virtues which he has inculcated find a lodgment in any human soul. As we think over the past of this truly successful life and view it as a whole we can truly say, inspiring teacher, noble preacher, elegant scholar, magnanimous friend, rest from thy labors for thy works shall follow thee.

## **PUBLICATIONS RECEIVED.**

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The following publications have been received by the New York State Historical Association from the various sources indicated below:

Various publications from the New Haven Colony Historical Association and from the Colonial Dames of America.

The Essex Institute Historical Collections, from the Essex Institute, Salem, Mass., two numbers.

Annual reports, etc. from the Association of the Bar of the City of New York.

Catalogue of Brown University.

Bulletin Syracuse University.

The publications of the Antiquarian and Historical Society of Sweden, fourteen numbers.

Anniversary Celebration of the New England Society in the City of New York, three numbers.

Annual report of the Historical and Philosophical Historical Society of Ohio.

The Patriotic Review.

Ecclesiastical Records of the State of New York, two volumes from the State Historian, Hugh Hastings.

Messages and Papers of the Presidents, ten volumes from Hon. Jacob Ruppert.

Year Book of the Society of the Sons of the Revolution in the State of New York, two volumes, also Supplement No. 1 of the same, also the address by John Austin Stevens before the same Society, also the proceedings of the General Society Sons of the Revolution.

The Territorial Records of Illinois from the Illinois State Historical Library.

Year Book of the Pennsylvania Society of New York.

Register of the Military Order of Foreign Wars.

Transactions of the Illinois State Historical Society.

Annual Report of the Association of the Bar of the City of New York, 1902.

New York in the Revolution, Supplement from the State Comptroller.

New York at Gettysburg, three volumes, from Morris P. Ferris.

Memorials of the Minnesota Forest Fires, from Rev. Wm. Wilkinson.

Institution, Constitution and By-Laws of the Military Order of Foreign Wars, from the New York Commandery.

Constitution and By-Laws from the Military Order of the Loyal Legion.

Roster of the Veteran Corps of Artillery from the Military Society of the War of 1812.

Year Book 1901, from the Daughters of the Cincinnati Society.

Constitution and By-Laws from the Huguenot Society.

Reports, Constitution and Members from the Century Association of New York, two volumes.

List of members from the Down Town Association of the City of New York.

Officers, Members and Constitution, from the Union Club of the City of New York.

The Public Papers of George Clinton, five volumes, and Report of State Historian, 1897, from Hugh Hastings.

Books and Pamphlets, twenty-one in all, from the United States Brewer's Association.

The American Author, a monthly publication, from the Society of American Authors.

Transactions, from the Huguenot Society of South Carolina, two numbers.

Thirteenth Annual Report from the Maine Genealogical Society.

Proceedings from the Nantucket Historical Society, five numbers.

Constitution and By-Laws, from the Schoharie County Historical Society.



Annual Publications from the Historical Society of Southern California.

Transactions, from the Oneida Historical Society.

Publication from the Louisiana Historical Society, two numbers.

Proceedings from the Vermont Historical Society.

Reports and Papers from the Fairfield County Historical Society of Connecticut.

Year Book from the Suffolk County Historical Society, four numbers.

Constitution and By-Laws from the New Haven Colony Historical Society, two numbers.

Proceedings from the New Jersey Historical Society.

The Six Nations, from the Chautauqua Society of History and Natural Science.

History of the Old Stone Fort, and Catalogue of the Museum of the Schoharie County Historical Society, from H. Cady.

Niagara Frontier Landmark Association, from Joseph Cook.

"From Homespun to Calico" an address by B. C. Butler, from Dr. Cooley.

Catalogue from Dartmouth College.

Bulletin from the Ohio University, two numbers.

The City of Thought, from the Author, Hiram Henry Wilson.

ROBERT O. BASCOM,

*Secretary.*

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## IN MEMORIAM.

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**D**R. EDWARD EGGLESTON died September 3rd, 1902, at Joshua's Rock, Lake George, N. Y., in the 65th year of his age. Dr. Eggleston in his early years was a Methodist minister. In later life he turned toward literary and journalistic pursuits. His paternal grandfather was a Revolutionary soldier; his father, Joseph Cary Eggleston, was born in Amelia County, Virginia and was a graduate of William and Mary's college, and afterwards settled in Indiana.

Dr. Edward Eggleston was born in Vevay, Ind., December 10th, 1837. Although closely connected with Southern life, he early became imbued with anti-slavery convictions. When he was nineteen years of age he began preaching in the Methodist circuit and no doubt the experiences thus gained largely colored his after life, and much of the literature that came from his prolific pen. In 1870, after various journalistic experiences he became the literary editor of the "Independent," then owned by Henry C. Bowen and edited by C. W. Turner. He afterwards resigned his connection with the "Independent" and became editor of the "Hearth and Home." His first great success as a novelist may be said to have been the Hoosier School-master. In 1880, he went to Europe, and there planned for a history of life in the United States, and to this pursuit he devoted many years of research in the principal libraries of this country and abroad. He was a member of the Century Club and of the New York Historical Association, and of numerous other literary and social organizations. Though he was not a college graduate, he had received numerous degrees from several literary institutions.

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## ARTICLES OF INCORPORATION.

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We, Daniel C. Farr, James A. Holden, and Elmer J. West, of Glens Falls; Grenville M. Ingalsbe, of Sandy Hill, and Morris P. Ferris, of Dobbs Ferry, all in the State of New York, and all of us citizens of the United States, have associated ourselves together in a membership corporation, and do hereby make this our certificate under the laws of the State of New York.

The name of such corporation is the "New York State Historical Association."

The principal objects for which said corporation is formed are:

First. To promote and encourage original historical research.

Second. To disseminate a greater knowledge of the early history of the State, by means of lectures, and the publication and distribution of literature on historical subjects.

Third. To gather books, manuscripts, pictures, and relics relating to the early history of the State, and to establish a museum at Caldwell, Lake George, for their preservation.

Fourth. To suitably mark places of historic interest.

Fifth. To acquire by purchase, gift, devise, or otherwise, the title to, or custody and control of, historic spots and places.

The territory in which the operations of this corporation are to be principally conducted is Warren, Washington, Essex, Clinton, Saratoga, and Hamilton counties, in the State of New York.

The principal office of said corporation is to be located at Caldwell, on Lake George, county of Warren, in the State of New York.

The number of directors of said corporation, to be known as the Board of Trustees, is twenty-five.

The names and residences of the directors of said corporation, to hold office until the first annual meeting, and who shall be known as the Board of Trustees, are:

James A. Roberts,	Buffalo.
Timothy L. Woodruff,	Brooklyn.
Daniel C. Farr,	Glens Falls.
Everett R. Sawyer,	Sandy Hill.
James A. Holden,	Glens Falls.
Robert O. Bascom,	Fort Edward.
Morris Patterson Ferris,	Dobbs Ferry.
Elwyn Seelye,	Lake George.

Grenville M. Ingalsbe,	Sandy Hill.
Frederick B. Richards,	Ticonderoga.
Anson Judd Upson,	Glens Falls.
Asahel R. Wing.	Fort Edward.
William O. Stearns,	Glens Falls.
Robert C. Alexander,	New York.
Elmer J. West,	Glens Falls.
Hugh Hastings,	Albany.
Pliny T. Sexton,	Palmyra.
William S. Ostrander,	Schuylerville.
Sherman Williams,	Glens Falls.
William L. Stone,	Mt. Vernon.
Henry E. Tremain,	New York.
William H. Tippetts,	Lake George.
John Boulton Simpson,	Bolton.
Harry W. Watrous,	Hague.
Abraham B. Valentine,	New York.

The first meeting of the corporation, for the purpose of organization, will be held on the 21st day of March, 1899.

The time for holding the annual meeting of the said corporation will be the last Tuesday in July of each year.

In Witness Whereof, We have hereunto severally subscribed our names and affixed our seals this 21st day of March, in the year one thousand eight hundred and ninety-nine.

DANIEL C. FARR,	(L. S.)
JAMES A. HOLDEN,	(L. S.)
ELMER J. WEST,	(L. S.)
GRENVILLE M. INGALSBE,	(L. S.)
MORRIS P. FERRIS,	(L. S.)

STATE OF NEW YORK, }  
County of Warren, } ss.:

On this 21st day of March, in the year one thousand eight hundred and ninety-nine, before me personally appeared Daniel C. Farr, James A. Holden, Elmer J. West, Grenville M. Ingalsbe, and Morris Patterson Ferris, to me known to be the individuals described in and who executed the foregoing articles of incorporation, and they duly severally acknowledged to me that they executed the same.

[SEAL.]

E. T. JOHNSON,  
Notary Public.

## CHARTER OF NEW YORK STATE HISTORICAL ASSOCIATION.

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WHEREAS, A petition for incorporation by the University has been duly received, containing satisfactory statements made under oath as to the objects and plans of the proposed corporation, and as to the provision made for needed buildings, furniture, equipment, and for maintenance.

THEREFORE, Being satisfied that all requirements prescribed by law or University ordinance for such an association have been fully met, and that public interests justify such action, the Regents by virtue of the authority conferred on them by law, hereby incorporate James A. Roberts, Daniel C. Farr, James A. Holden, Morris Patterson Ferris, Grenville M. Ingalsbe, Anson Judd Upson, Robert C. Alexander, Hugh Hastings, William S. Ostrander, William L. Stone, William H. Tippetts, Harry W. Watrous, William O. Stearns, Timothy L. Woodruff, Everett R. Sawyer, Robert O. Bascom, Elwyn Seelye, Frederick B. Richards, Asahel R. Wing, Elmer J. West, Pliny T. Sexton, Sherman Williams, Henry E. Tremain, John Boulton Simpson, Abraham B. Valentine, and their successors in office under the corporate name of

### NEW YORK STATE HISTORICAL ASSOCIATION.

This corporation shall be located at Caldwell, Warren county, New York.

Its first trustees shall be the twenty-five above-named incorporators.

Its object shall be to promote historical research, to disseminate knowledge of the history of the State by lectures and publications, to establish a library and museum at Caldwell, to mark places of historic interest, and to acquire custody or control of historic places.

IN WITNESS WHEREOF, The Regents grant this charter, No. 1,245,  
under seal of the University, at the Capitol at Albany, April 24,  
[SEAL.] 1899.

ANSON JUDD UPSON, *Chancellor.*

MELVIL DEWEY, *Secretary.*



# CONSTITUTION.

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## ARTICLE I.

### **Name.**

This Society shall be known as "New York State Historical Association."

## ARTICLE II.

### **Objects.**

Its objects shall be:

First. To promote and encourage original historical research.

Second. To disseminate a greater knowledge of the early history of the State, by means of lectures and the publication and distribution of literature on historical subjects.

Third. To gather books, manuscripts, pictures, and relics relating to the early history of the State, and to establish a museum at Caldwell, Lake George, for their preservation.

Fourth. To suitably mark places of historic interest.

Fifth. To acquire by purchase, gift, devise, or otherwise, the title to, or custody and control of, historic spots and places.

## ARTICLE III.

### **Members.**

Section 1. Members shall be of three classes—Active, Corresponding, and Honorary. Active members only shall have a voice in the management of the Society.

Section 2. All persons interested in American history shall be eligible for Active membership.

Section 3. Persons residing outside of the State of New York, interested in historical investigation, may be made Corresponding members.

Section 4. Persons who have attained distinguished eminence as historians may be made Honorary members.

## ARTICLE IV.

### **Management.**

Section 1. The property of the Association shall be vested in, and the affairs of the Association conducted by, a Board of Trustees to be elected

by the Association. Vacancies in the Board of Trustees shall be filled by the remaining members of the Board, the appointee to hold office until the next annual meeting of the Association.

Section 2. The Board of Trustees shall have power to suspend or expel members of the Association for cause, and to restore them to membership after a suspension or expulsion. No member shall be suspended or expelled without first having been given ample opportunity to be heard in his or her own defense.

Section 3. The first Board of Trustees shall consist of those designated in the Articles of Incorporation, who shall meet as soon as may be after the adoption of this Constitution and divide themselves into three classes of, as nearly as may be, eight members each, such classes to serve respectively, one until the first annual meeting, another until the second annual meeting, and the third until the third annual meeting of the Association. At each annual meeting the Association shall elect eight or nine members (as the case may be) to serve as Trustees for the ensuing three years, to fill the places of the class whose term then expires.

Section 4. The Board of Trustees shall have no power to bind the Association to any expenditure of money beyond the actual resources of the Association, except by the consent of the Board of Trustees, expressed in writing and signed by every member thereof.

## **ARTICLE V.**

### **Officers.**

Section 1. The officers of the Association shall be a President, three Vice-Presidents, a Treasurer, a Secretary, and an Assistant Secretary, all of whom shall be elected by the Board of Trustees from its own number, at its first meeting after the annual meeting of the Association, and shall hold office for one year, or until their successors are chosen. Temporary officers shall be chosen by the Incorporators to act until an election as aforesaid, by the Board of Trustees.

Section 2. The Board of Trustees may appoint such other officers, committees, or agents, and delegate to them such powers as it sees fit, for the prosecution of its work.

Section 3. Vacancies in any office or committee may be filled by the Board of Trustees.

## **ARTICLE VI.**

### **Fees and Dues.**

Section 1. Each person on being elected to Active Membership shall pay into the Treasury of the Association the sum of two dollars, and



thereafter on the first day of January in each year a like sum, for his or her annual dues.

Section 2. Any member of the Association may commute his or her annual dues by the payment of twenty-five dollars at one time, and thereby become a life member, exempt from further payments.

Section 3. Any member may secure membership which shall descend to a member of his or her family qualified under the Constitution and By-Laws of the Association for membership therein, in perpetuity, by the payment at one time of two hundred and fifty dollars. The person to hold the membership may be designated in writing by the creator of such membership, or by the subsequent holder thereof subject to the approval of the Board of Trustees.

Section 4. All receipts from life and perpetual memberships shall be set aside and invested as a special fund, the income only to be used for current expenses.

Section 5. Honorary and Corresponding Members and persons who hold perpetual Memberships shall be exempt from the payment of dues.

Section 6. The Board of Trustees shall have power to excuse the nonpayment of dues, and to suspend or expel members for nonpayment when their dues remain unpaid for more than six months.

## ARTICLE VII.

### Meetings.

Section 1. The annual meeting of the Association shall be held on the last Tuesday of July in each year. Notice thereof shall be sent to each member at least ten days prior thereto.

Section 2. Special meetings of the Association may be called at any time by the Board of Trustees, and must be called upon the written request of ten members. The notice of such meeting shall specify the object thereof, and no business shall be transacted thereat excepting that designated in the notice.

Section 3. Ten members shall constitute a quorum at any meeting of the Association.

Section 4. The Board of Trustees shall arrange for the holding of a series of meetings at Lake George during the summer months, for the reading of original papers on history and kindred subjects, and for social intercourse between the members and their guests.

## ARTICLE VIII.

### Seal.

The seal of the Association shall be a group of statuary representing the Mohawk Chief, King Hendrick, in the act of proving to Gen. Wm.

Johnson the unwisdom of dividing his forces on the eve of the battle of Lake George. Around this a circular band bearing the legend, New York State Historical Association, 1899.

#### **ARTICLE IX.**

##### **Amendments.**

Amendments to the Constitution may be made at any annual meeting, or at a special meeting called for that purpose. Notice of a proposed amendment with a copy thereof must have been mailed to each member at least thirty days before the day upon which action is taken thereon.

The adoption of an amendment shall require the favorable vote of two-thirds of those present at a duly-constituted meeting of the Association.

# **BY - LAWS.**

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## **ARTICLE I.**

### **Members.**

Candidates for membership in the Association shall be proposed by one member and seconded by another, and shall be elected by the Board of Trustees. Three adverse votes shall defeat an election.

## **ARTICLE II.**

### **Board of Trustees.**

Section 1. The Board of Trustees may make such rules for its own government as it may deem wise, and which shall not be inconsistent with the Constitution and By-Laws of the Association. Five members of the Board shall constitute a quorum for the transaction of business.

Section 2. The Board of Trustees shall elect one of their own number to preside at the meetings of the Board in the absence of the President.

Section 3. The Board of Trustees shall at each annual meeting of the Association render a full report of its proceedings during the year last past.

Section 4. The Board of Trustees shall hold at least four meetings in each year. At each of such meetings it shall consider and act upon the names of candidates proposed for membership.

Section 5. The Board of Managers shall each year appoint committees to take charge of the annual gathering of the Association at Lake George.

## **ARTICLE III.**

### **President.**

The President shall preside at all meetings of the Association and of the Board of Trustees, and perform such other duties as may be delegated to him by the Association or the Board of Trustees. He shall be ex-officio a member of all committees.

**ARTICLE IV.****Vice-Presidents.**

The Vice-Presidents shall be denominated First, Second, and Third Vice-Presidents. In the absence of the President his duties shall devolve upon the senior Vice-President present.

**ARTICLE V.****Treasurer.**

Section 1. The treasurer shall have charge of all the funds of the Association. He shall keep accurate books of account, which shall at all times be open to the inspection of the Board of Trustees. He shall present a full and comprehensive statement of the Association's financial condition, its receipts and expenditures, at each annual meeting, and shall present a brief statement to the Board of Trustees at each meeting. He shall pay out money only on the approval of the majority of the Executive Committee, or on the resolution of the Board of Trustees.

Section 2. Before assuming the duties of his office, the Treasurer-elect shall with a surety to be approved by the Board execute to the Association his bond in the sum of one thousand dollars, conditioned for the faithful performance of his duties as Treasurer.

Section 3. The President shall, thirty days prior to the annual meeting of the Association, appoint two members of the Association who shall examine the books and vouchers of the Treasurer and audit his accounts, and present their report to the Association at its annual meeting.

**ARTICLE VI.****Secretary**

The Secretary shall preserve accurate minutes of the transactions of the Association and of the Board of Trustees, and shall conduct the correspondence of the Association. He shall notify the members of meetings, and perform such other duties as he may be directed to perform by the Association or by the Board of Trustees. He may delegate any portion of his duties to the Assistant Secretary.

**ARTICLE VII.****Executive Committee.**

The officers of the Association shall constitute an Executive Committee. Such Committee shall direct the business of the Association between meetings of the Board of Trustees, but shall have no power to establish

or declare a policy for the Association, or to bind it in any way except in relation to routine work. The Committee shall have no power to direct a greater expenditure than fifty dollars without the authority of the Board of Trustees.

## **ARTICLE VIII.**

### **Procedure.**

Section 1. The following, except when otherwise ordered by the Association, shall be the order of business at the annual meetings of the Association:

Call to order.

Reading of minutes of previous annual, and of any special meeting, and action thereon.

Reports of Officers and Board of Trustees.

Reports of Standing Committees.

Reports of Special Committees.

Unfinished business.

Election.

New business.

Adjournment.

Section 2. The procedure at all meetings of the Association and of the Board of Trustees, where not provided for in this Constitution and By-Laws, shall be governed by Roberts' Rules of Order.

Section 3. The previous question shall not be put to vote at any meeting unless seconded by at least three members.

Section 4. All elections shall be by ballot, except where only one candidate is nominated for an office.

Section 5. All notices shall be sent personally or by mail to the address designated in writing by the member to the Secretary.

## **ARTICLE IX.**

### **Nominating Committee.**

A committee of three shall be chosen by the Association at its annual meeting, to nominate Trustees to be voted for at the next annual meeting. Such Committee shall file its report with the Secretary of this Association at least thirty days prior to the next annual meeting. The Secretary shall mail a copy of such report to every member of the Association with the notice of the annual meeting at which the report is to be acted upon. The action of such Committee shall, however, in no wise interfere with the power of the Association to make its own nominations, but all such independent nominations shall be sent to the Secretary at least twenty days prior to the annual meeting. A copy thereof shall be sent to each

member by the Secretary with the notice of meeting, and shall be headed "Independent Nominations." If the Nominating Committee fails for any reason to make its report so that it may be sent out with the notice of the annual meeting, the Society may make its own nominations at such annual meeting.

## **ARTICLE X.**

### **Amendments.**

These By-Laws may be amended at any duly-constituted meeting of the Association by a two-thirds vote of the members present. Notice of the proposed amendment with a copy thereof must have been mailed to each member at least twenty days before the day upon which action thereon is taken.



## MEMBERS NEW YORK STATE HISTORICAL ASSOCIATION.

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### HONORARY MEMBER.

\*Dr. Edward Eggleston, Joshua's Rock, N. Y.

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### CORRESPONDING MEMBER.

Berthold Fernow, Trenton, N. J.

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### LIFE MEMBERS.

W. K. Bixby,	Bolton, N. Y.
Mrs. Marcellus Hartley,	232 Madison Ave., N. Y. City.
Mrs. Oliver Livingston Jones,	116 W. 72d St., N. Y. City.
Mrs. Horace See,	50 W. 9th St., N. Y. City.
Gen. Henry E. Tremain,	146 Broadway, N. Y. City.
Dr. W. Seward Webb,	51 E. 44th St., N. Y. City.
Samuel P. Avery,	4 E. 38 St., N. Y. City.

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### MEMBERS.

<del>Abbatt, W.</del>	<del>Westchester, N. Y.</del>
<del>Allen, Ethan</del>	<del>43 W. 32d St., N. Y. City.</del>
Allen, Hiram	Sandy Hill, N. Y.
Allen, Frank S.	116 W. 45th St., N. Y. City.
Arthur, Miss L. Louise	Woodside, L. I.
*Alexander, Robert C.	New York.
Bascom, Robert O.	Fort Edward, N. Y.
Bassinger, George H.	Glens Falls, N. Y.
*Bloodgood, Dr. Delevan	320 Clermont Ave., Brooklyn, N. Y.

\*Deceased.

*Barber Junius E. Glens Falls N.*



Burnham, George	3401 Powelton Ave., Philadel- phia, Pa.
Burdge, Franklin	325 W. 57th St., N. Y. City.
Brandow, Rev. John H.	Schuylerville, N. Y.
Brackett, Hon. E. T.	Saratoga, N. Y.
*Burleigh, H. G. ✓	Whitehall, N. Y.
Bishop, Charles F. ✓	67 Wall St., N. Y. City.
Bullard, Dr. T. E. ✓	Schuylerville, N. Y.
Burleigh, Brackett W.	Whitehall, N. Y.

*Norman  
Hall*

Carter, Robert C.	Glens Falls, N. Y.
Cheney, Dr. Francis L.	Cortland, N. Y.
Chapman, W. J.	Glens Falls, N. Y.
Clark, Dr. H. A.	Glens Falls, N. Y.
<del>Cool, Charles W.</del>	<del>Glens Falls, N. Y.</del>
Cooley, James S., M. D. ✓	Glen Cove, N. Y.
Coolidge, Thomas S. ✓	Glens Falls, N. Y.
Cook, Dr. Joseph Tottenham ✓	636 Delaware Ave., Buffalo, N. Y.
Cunningham, Col. J. L.	Glens Falls, N. Y.
Cornell, S. Douglas	Cobourg, Ont.
Cullinan, Patrick W.	Albany, N. Y.

Day, Benjamin	Hague, N. Y.
<del>Dave, G. Grosvenor</del>	81 Ludlow St., Yonkers, N. Y.
<del>Davis, Loyal L.</del>	Glens Falls, N. Y.
Denton, Mrs. Elizabeth B.	Sandy Hill, N. Y.
Derby, John H. ✓	Sandy Hill, N. Y.
Denham, Edward ✓	New Bedford, Mass.
DeLong, C. J. ✓	Glens Falls, N. Y.
Doane, Rt. Rev. W. C. ✓	Albany, N. Y.
Doolittle, C. M.	Schuylerville, N. Y.
Durkee, James H. ✓	Sandy Hill, N. Y.

*DeMuth Wm*

Farr, Dr. Daniel C. ✓	Glens Falls, N. Y.
Ferris, Morris Patterson ✓	Dobbs, Ferry, N. Y.
Ferris, Mrs. Morris Patterson ✓	Dobbs, Ferry, N. Y.
<del>Felt, Charles W.</del>	Marlborough, Mass.
Fowler, Albert N. C. ✓	Glens Falls, N. Y.
Ferris, Barr	7 Warren St., N. Y. City.
Fitch, Charles E. ✓	Department Public Instruction, Albany, N. Y.

*Ferriss, George M. ✓	<del>Glens Falls, N. Y.</del>
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\*Deceased.

*507 Broadway N.Y. City*

Gilman, Theodore P.

Griffith, Prof. E. W.

*Griffith, William Kenneth Albany N.Y.*

Hall, Fred J.

Hayden, Henry W.

Higgins, Hon. Frank W.

Hitchcock, Hon. Charles H.

Holden, James A. ✓

Howe, Dr. Lucien

141 80th St., N. Y. City.

Glens Falls, N. Y.

Tarrytown, N. Y.

120 Broadway, N. Y. City.

Olean, N. Y.

Glens Falls, N. Y.

Glens Falls, N. Y.

183 Delaware Ave., Buffalo,  
N. Y.

\*Howland, L. M. ✓

Howard, Harry A. ✓

Hoyt, Charles A. ✓

Hull, Edgar

\*Hutchins, Mrs. Waldo ✓

Heilner, Samuel ✓

Hastings, Hon. Hugh ✓

Halsey, Francis W.

Ingalls, George A. ✓

Ingalsbe, Hon. Grenville M. ✓

Ingalsbe, Miss Myra L. ✓

Fort Edward, N. Y.

Glens Falls, N. Y.

New York City.

Fort Edward, N. Y.

Kings Bridge, N. Y.

314 Walnut St., Philadelphia.

Albany, N. Y.

146 W. 119th St., N. Y. City.

Sandy Hill, N. Y.

Sandy Hill, N. Y.

Hartford, N. Y.

Jones, Rev. Dr. Robert E. ✓

Geneva, N. Y.

Kellogg, Rev. Dr. Charles D. ✓

Kelsey, David M. ✓

Sandy Hill, N. Y.

192 Woodlawn Ave., Saratoga,  
N. Y.

Kellogg, J. Augustus ✓

King, Charles F. ✓

King, Rev. Dr. Joseph E. ✓

Kneil, T. R. ✓

Knapp, George O. ✓

\*Lansing, Abraham ✓

Lansing, Mrs. Abraham ✓

Glens Falls, N. Y.

Glens Falls, N. Y.

Fort Edward, N. Y.

Saratoga, N. Y.

Lake George, N. Y.

Albany, N. Y.

Washington Avenue, Albany,  
N. Y.

Lapham, Byron ✓

Langdon, Andrew ✓

Larned, J. W. ✓

~~Lec, Col. J. A. C., U. S. A.~~

Lester, C. C.

Little, Russell A. ✓

Little, Dr. George W. ✓

~~Lewis, George C.~~

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Buffalo, N. Y.

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~~Hague, N. Y.~~

Saratoga, N. Y.

Glens Falls, N. Y.

Glens Falls, N. Y.

~~Albany, N. Y.~~

\*Deceased.

